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WHIT SWIFT
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(512) 691-4003 direct

January 7, 2015

VIA E-MAIL

Mr. Dave Hensley (6EN-AS)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Suite 1200
Dallas, TX 75202-2733

**Re: U.S. Environmental Protection Agency, DuPont La Porte, Risk Management Plan
Inspection – December 15, 2014 through December 18, 2014, Requests for
Documents**

Dear Mr. Hensley:

In connection with the above-referenced request by the U.S. Environmental Protection Agency (“EPA”), E.I. du Pont de Nemours and Company (“DuPont” or “Company”) is providing you with documents responsive to your December 18, 2014 request.

Please note that the information that the Company is providing constitutes confidential trade secrets and commercial or financial information (“Confidential Business Information” or “CBI”) exempted from public disclosure under 5 U.S.C. § 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. § 2.208. Confidential business information gathered under the authority of Section 114 of the Clean Air Act is subject to 40 CFR § 2.301 and appropriate steps should be taken to properly safeguard the information. 40 C.F.R. § 2.211. We have marked specific documents as CBI where appropriate. Please treat these documents and the information they contain as confidential, as provided by the Freedom of Information Act or equivalent state law.

The Company’s responses to the following EPA document and information requests are below.

**Request 1: La Porte – 1st Party Environmental Compliance Audit, Kevin Roberts,
1/27/2014**

RESPONSE:

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In response to this request, DuPont is providing the 2014 "LaPorte – 1st Party Environmental Compliance Audit – RMP Program," Bates-labeled DUP-LAP-EPA-0003392 through DUP-LAP-EPA-0003508.

Request 2: La Porte – 1st Party Environmental Compliance Audit, Doris Ann Terrell, 3/7/2011

RESPONSE:

In response to this request, DuPont is providing the 2011 "1st Party Environmental Compliance Audit – RMP Program," Bates-labeled DUP-LAP-EPA-0003509 through DUP-LAP-EPA-0003577.

Request 3: Final PSM Audit DuPont La Porte Plant, William L. Bobinger Jr., 3/19/2012

RESPONSE:

In response to this request, DuPont is providing the 2012 PSM Audit, Bates-labeled DUP-LAP-EPA-0003578 through DUP-LAP-EPA-0003635.

Request 4: Final PSM Audit DuPont La Porte Plant, Jim Klein, 1/30/2009

RESPONSE:

In response to this request, DuPont is providing the 2009 PSM Audit, Bates-labeled DUP-LAP-EPA-0003636 through DUP-LAP-EPA-0003700.

Request 5: DuPont La Porte, Texas Emergency Plan (DuPont only)

RESPONSE:

In response to this request, DuPont is providing the La Porte Facility Emergency Response Plan, Bates-labeled DUP-LAP-EPA-0000759 through DUP-LAP-EPA-0001427.

Request 6: Incident Investigation Report of 11/15/2014 (when Final)

RESPONSE:

The investigation of the November 15, 2014 incident is ongoing. The incident investigation report will be provided when it has been finalized, as requested.

January 7, 2015

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Request 7: Incident Investigation Report of 3/23/2011 #11-0082-RCI, 1/23/2012 #12-0051-RCI, 8/8/2013 #13-0158-RCI, 9/22/2014 #14-0161-RCI

RESPONSE:

In response to this request, DuPont is providing the following Incident Investigation Reports:

- Incident Number 11-0082-RCI, dated March 23, 2011, "HPI 2011-10 – Chemical Exposure at 7013 Reactor in Lannate," Bates-labeled DUP-LAP-EPA-0003193 through DUP-LAP-EPA-0003231;
- Incident Number 12-0051-RCI, dated January 23, 2012, "HPI 2012-05 – Mechanic Exposed to HF While Dismantling Valve," Bates-labeled DUP-LAP-EPA-0003155 through DUP-LAP-EPA-0003192;
- Incident Number 13-0158-RCI, dated August 8, 2013, "HPI 2013-18 – Chlorine Release from Piping (D) – Lannate Permit No. 1834," Bates-labeled DUP-LAP-EPA-0002992 through DUP-LAP-EPA-0003154; and
- Incident Number 14-0161-RCI, dated September 22, 2014, "HPI 2014-20 – SO2 Permit Exceedance from the Sulfuric Acid Unit Stack (D) – PSA Permit No. 21130," Bates-labeled DUP-LAP-EPA-0002932 through DUP-LAP-EPA-0002991.

Request 8: PHA IBU-2013-02, HTM Storage & Unloading, 12/31/2013

RESPONSE:

In response to this request, DuPont is providing PHA 2013-IBU-02, "Process Hazard Analysis of "HTM Storage and Unloading," dated December 31, 2013, Bates-labeled DUP-LAP-EPA-0002761 through DUP-LAP-EPA-0002931.

Request 9: PHA IBU-2008-01, Highly Toxic Materials Handling, 2/20/2008

RESPONSE:

In response to this request, DuPont is providing PHA 08-IBU-01, "Process Hazard Analysis of Highly Toxic Materials Handling," dated December 20, 2008, Bates-labeled DUP-LAP-EPA-0002203 through DUP-LAP-EPA-0002547.

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Request 10: Certification of Operating Procedures of all RMP Units for 2013

RESPONSE:

In response to this request, DuPont is providing 2013 Certifications of Operating Procedures, Bates-labeled DUP-LAP-EPA-0003371 through DUP-LAP-EPA-0003381.

Request 11: Certification of Operating Procedures of all RMP Units for 2014

RESPONSE:

In response to this request, DuPont is providing 2014 Certifications of Operating Procedures, Bates-labeled DUP-LAP-EPA-0003353 through DUP-LAP-EPA-0003370.

Request 12: Mechanical Integrity Inspection Documentation for Methyl Mercaptan storage tank 2000-2014

RESPONSE:

In response to this request, DuPont is providing inspection documentation for the Methyl Mercaptan Storage Tank, including Vessel Inspection Reports, Equipment Inspection Plans, and Change Request Forms, dated January 4, 2001 through February 18, 2013, Bates-labeled DUP-LAP-EPA-0003251 through DUP-LAP-EPA-0003352.

Request 13: Ultra Pipe thickness report for Methyl Mercaptan storage tank, 12/18/2014

RESPONSE:

In response to this request, DuPont is providing the UltraPipe Thickness Report for Methyl Mercaptan Storage Tank, equipment ID 406-7010-08.00, Bates-labeled DUP-LAP-EPA-0003235 through DUP-LAP-EPA-0003250.

Request 14: Blank Ultra PIRE Corrosion Monitoring New Survey Report, 12/18/2014

RESPONSE:

DuPont will supplement its response with the requested document.

January 7, 2015
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Request 15: Lannate Methamyl Insecticide Technical Standard La Porte Plant

RESPONSE:

In response to this request, DuPont is providing the Lannate Methomyl Insecticide Technical Standard for the La Porte Plant, Bates-labeled DUP-LAP-EPA-0000062 through DUP-LAP-EPA-0000758.

Request 16: Employee Training Files for: Robert Tisnado, Crystle Wise, Danny Francis, Clarence Baker, & Manuel Tisnado

RESPONSE:

In response to this request, DuPont is providing the training files for:

- Robert Tisnado, Bates-labeled DUP-LAP-EPA-0003701 through DUP-LAP-EPA-0003868;
- Crystle Wise, Bates-labeled DUP-LAP-EPA-0003869 through DUP-LAP-EPA-0003943;
- Danny Francis, Bates-labeled DUP-LAP-EPA-0003944 through DUP-LAP-EPA-0004061;
- Clarence Wade Baker, Bates-labeled DUP-LAP-EPA-0004062 through DUP-LAP-EPA-0004158; and
- Gilbert Manual Tisnado, Bates-labeled DUP-LAP-EPA-0004159 through DUP-LAP-EPA-0004298.

Request 17: Certification of Operating Procedures in Lannate area for 2012

RESPONSE:

In response to this request, DuPont is providing 2012 Certifications of Operating Procedures, Bates-labeled DUP-LAP-EPA-0003382 through DUP-LAP-EPA-0003391.

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Request 18: PHA 2013-IBU-03 – A2213 Synthesis Nitrosation, Chlorination, Filtration, & Thiolation, 12/31/2013

RESPONSE:

In response to this request, DuPont is providing PHA 2013-IBU-03, “Process Hazard Analysis of A2213 Nitrosation, Chlorination, Filtration, & Thiolation,” dated December 31, 2013, Bates-labeled DUP-LAP-EPA-0001950 through DUP-LAP-EPA-0002202.

Request 19: PHA 2008-APT/2008-IBU-03 A2213 Nitrosation, Filtration, Chlorination and Thiolation

RESPONSE:

In response to this request, DuPont is providing PHA 2008-API-01 / 2008-IBU-03, “Process Hazard Analysis of A2213 Nitrosation, Chlorination, Filtration, & Thiolation,” dated December 31, 2008, Bates-labeled DUP-LAP-EPA-0002548 through DUP-LAP-EPA-0002760.

Request 20: PHA 2011-IBU-01 MHTA Synthesis, 12/15/2011

RESPONSE:

In response to this request, DuPont is providing PHA 2011-IBU-01, “Process Hazard Analysis of MHTA Synthesis,” dated December 15, 2011, Bates-labeled DUP-LAP-EPA-0001673 through DUP-LAP-EPA-0001949.

Request 21: PHA 2006-LAN-02 MHTA Synthesis, 1/20/2007

RESPONSE:

In response to this request, DuPont is providing PHA 06-LAN-02, “Process Hazard Analysis of MHTA Synthesis,” dated January 20, 2007, Bates-labeled DUP-LAP-EPA-0001428 through DUP-LAP-EPA-0001672.

Request 22: Mechanical Integrity Inspection or Testing History of:

- a) Wet End Fan (404-7003-01)
- b) Dry End Fan (404-7004-01)
- c) 7015 Bay Fan (404-7015-75)
- d) Melt Bay Fan (FAA not available)

January 7, 2015

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e) Methyl Mercaptan Detectors (406-0659-XD 0-9)

RESPONSE:

In response to this request, DuPont is providing the work order history for the equipment specified, Bates-labeled DUP-LAP-EPA-0003232 through DUP-LAP-EPA-0003234.

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The Company reserves its rights related to the inadvertent disclosure of attorney-client information or work-product information included in this production. Under Federal Rule of Evidence 502, the disclosure of such information does not operate as a waiver in a federal or state proceeding if: (1) the disclosure is inadvertent, (2) the company took reasonable steps to prevent the disclosure, and (3) the company took reasonable steps to rectify the error. FED. R. EVID. 502(b). "The rule applies to inadvertent disclosures made to a federal office or agency, including but not limited to an office or agency that is acting in the course of its regulatory, investigative, or enforcement authority." Explanatory Notes, Rule 502, Judicial Conference Advisory Committee on Evidence Rules, revised Nov. 28, 2007. Please immediately notify me if you discover information in this production that suggests the document is subject to the attorney-client privilege or protected by the work-product doctrine.

If you have any questions, please do not hesitate to contact me at 512-691-4003.

Sincerely,



Whit Swift

LIMITED
ICLE ACCESS
BEYOND
THIS POINT



1301 McKinney Street,
Suite 3000
Houston, TX 77010-3033
713.270.3400 tel
www.kattenlaw.com

MARK L. FARLEY
mark.farley@kattenlaw.com
713.270.3434 direct
713.583.1953 fax

September 2, 2015

Mr. Dave Hensley (6EN-AS)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Suite 1200
Dallas, TX 75202-2733

Re: **U.S. Environmental Protection Agency, DuPont La Porte, Risk Management Plan
Inspection – December 15, 2014 through December 18, 2014, Requests for
Documents**

Dear Mr. Hensley:

In connection with the above-referenced request by the U.S. Environmental Protection Agency (“EPA”), E.I. du Pont de Nemours and Company (“DuPont” or “Company”) is providing you with documents responsive to your December 18, 2014 request.

Please note that the information that the Company is providing constitutes trade secrets and confidential commercial or financial information (“CBI”) exempted from public disclosure under 5 U.S.C. § 552(b)(4) and subject to a claim of confidentiality under 40 C.F.R. § 1601.26(b) and 40 C.F.R. § 2.208. Specific documents have been marked as CBI where appropriate. Please treat these documents and the information they contain as confidential, as provided by the Freedom of Information Act or equivalent state law.

Request 15: Provide a copy of your internal Investigation Report of this incident.

RESPONSE:

In response to this request DuPont is providing the La Porte Incident Investigation Final Report for the November 15, 2014, incident, dated August 26, 2015, and Bates-labelled DUP-LAP-EPA-0004299 through DUP-LAP-EPA-0004324.

#

The Company reserves its rights related to the inadvertent disclosure of attorney-client information or work-product information included in this production. Under Federal Rule of Evidence 502, the disclosure of such information does not operate as a waiver in a federal or state proceeding if: (1) the disclosure is inadvertent, (2) the Company took reasonable steps to

AUSTIN CENTURY CITY CHARLOTTE CHICAGO HOUSTON IRVING LOS ANGELES
NEW YORK ORANGE COUNTY SAN FRANCISCO BAY AREA SHANGHAI WASHINGTON, DC
LONDON: KATTEN MUCHIN ROSENMAN UK LLP

A limited liability partnership including professional corporations

September 2, 2015

Page 2

prevent the disclosure, and (3) the Company took reasonable steps to rectify the error. FED. R. EVID. 502(b). "The rule applies to inadvertent disclosures made to a federal office or agency, including but not limited to an office or agency that is acting in the course of its regulatory, investigative or enforcement authority." Explanatory Notes, Rule 502, Judicial Conference Advisory Committee on Evidence Rules, revised Nov. 28, 2007. Please immediately notify me if you discover information in this production that suggests the document is subject to the attorney-client privilege or protected by the work-product doctrine.

If you have any questions, please contact me at (713) 270-3434.

Sincerely,



Mark L. Farley

Enclosures

Hensley, Dave

From: Herman Rogers <Herman.Rogers@tceq.texas.gov>
Sent: Wednesday, December 10, 2014 3:33 PM
To: Hensley, Dave
Cc: Faith Cotton
Subject: RE: DuPont La Porte Risk Management Plan Inspection

Categories: EZ Record - Shared

Thank you

From: Hensley, Dave [mailto:Hensley.Dave@epa.gov]
Sent: Wednesday, December 10, 2014 3:33 PM
To: Herman Rogers
Subject: RE: DuPont La Porte Risk Management Plan Inspection

Herman,

My cell phone is 580-763-7110

See you next week.

Dave Hensley (6EN-AS)
U.S. EPA

From: Herman Rogers [mailto:Herman.Rogers@tceq.texas.gov]
Sent: Wednesday, December 10, 2014 3:25 PM
To: Hensley, Dave
Cc: Faith Cotton
Subject: RE: DuPont La Porte Risk Management Plan Inspection

Dave,

I look forward to working with you as well. Could you forward me a cellular phone contact number for use next week?

My cell number is (713) 320-3720

Kind Regards,
Herman Rogers
TCEQ Region 12
Environmental Investigator
(713) 422-8923

From: Hensley, Dave [mailto:Hensley.Dave@epa.gov]
Sent: Tuesday, December 09, 2014 4:21 PM
To: Herman Rogers
Subject: FW: DuPont La Porte Risk Management Plan Inspection

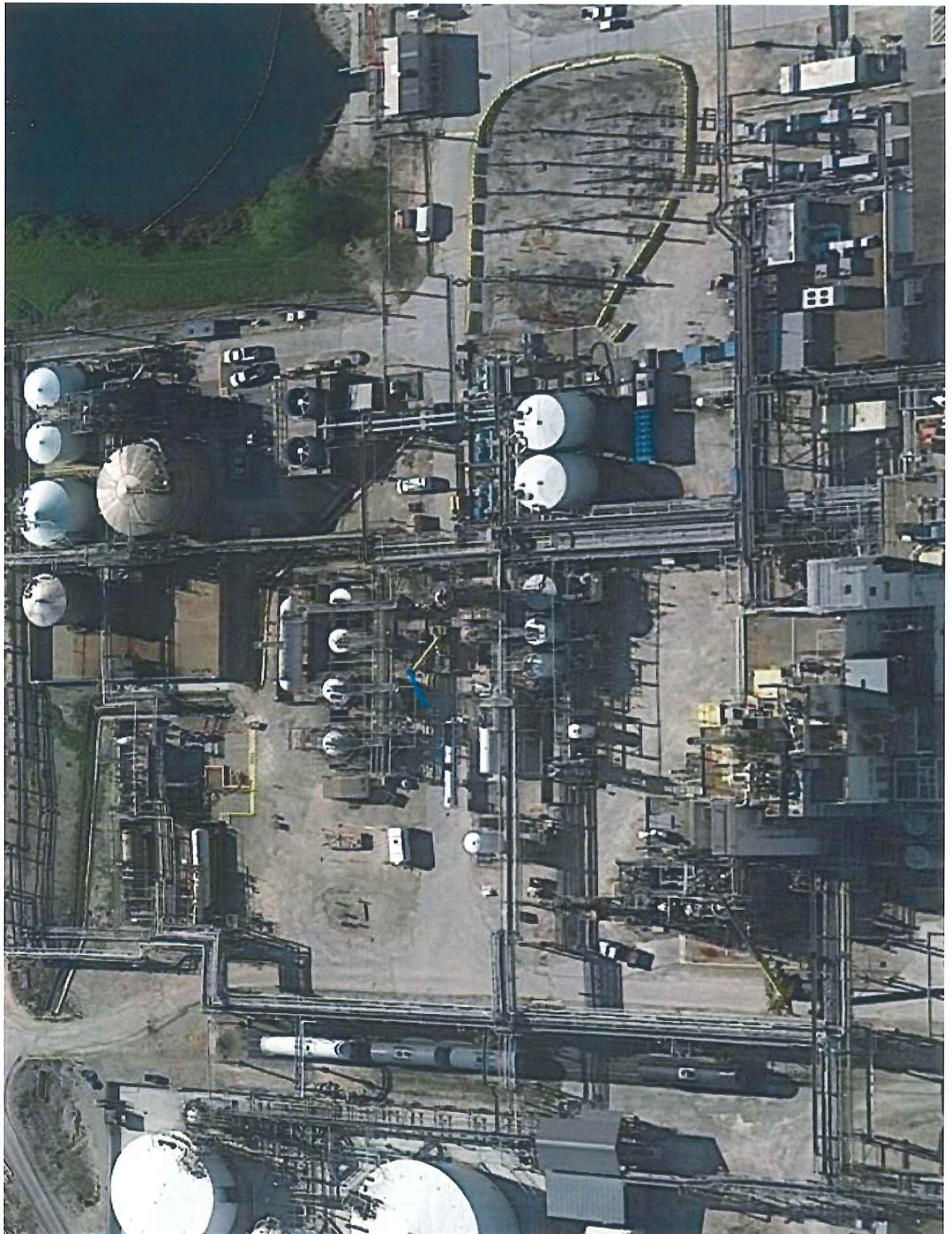
Dave Hensley (6EN-AS)
U.S. EPA

From: Hensley, Dave
Sent: Tuesday, December 09, 2014 4:11 PM
To: 'faith.cotton@tceq.texas.gov'; 'herman.rodgers@tceq.texas.gov'; Corey Zindler
Cc: Tate, Samuel; Phelps, Sherronda
Subject: DuPont La Porte Risk Management Plan Inspection

Hi;

As you may know I am planning a Risk Management Plan Inspection for the week of 12/15-18/2014. Your names were given me as those interested in participating in the inspection. I have arranged to be at the facility main gate at 1 PM, and have scheduled an opening conference at 2 PM. let's meet at the DuPont main gate at 1PM. I am attaching the check list that I use to help guide these inspections and a preliminary document request is have sent to DuPont. I look forward to working with you. If you have any questions feel free to contact me at the below contact info.

Dave Hensley (6EN-AS)
U.S. Environmental Protection Agency
214-665-6739
hensley.dave@epa.gov
1445 Ross Avenue
Dallas, TX 75202



Hensley, Dave

From: Holmstrom, Don <don.holmstrom@csb.gov>
Sent: Wednesday, December 03, 2014 3:14 PM
To: Hensley, Dave
Cc: Bates, Samuel; Johnson, Amanda; Lyon, Chris; Horowitz, Daniel; Banks, Johnnie; Nickerson.Richard@DoL.gov; andy.goodridge@tceq.texas.gov
Subject: RE: EPA Risk Management Program Inspection

Thanks for the heads up Dave, I am copying your email to Dan Tillema who is the lead CSB investigator and will be on site for the next several weeks.

Donald S. Holmstrom
Director
Western Regional Office
US Chemical Safety and Hazard Investigation Board
P.O. Box 25465
Lakewood, CO 80205
303-236-8701(w)
202-413-2690 (m)
202-974-7607 (fax)
Don.Holmstrom@csb.gov

From: Hensley, Dave [mailto:Hensley.Dave@epa.gov]
Sent: Wednesday, December 03, 2014 2:07 PM
To: Holmstrom, Don; Banks, Johnnie; Nickerson.Richard@DoL.gov; andy.goodridge@tceq.texas.gov
Cc: Bates, Samuel
Subject: EPA Risk Management Program Inspection

Hi;

My name is Dave Hensley. I do Risk Management Program inspections for the U.S. Environmental Protection Agency Region 6. I have been asked to do an inspection at the DuPont La Porte Plant, at 12501 Strang Road, La Porte, Texas. The inspection is planned for December 15 through 19, 2014. I will be arriving at the facility at approximately 1:00 PM on December 15, 2014. This inspection will cover the requirements of the Clean Air Act Section 112(r) and the Chemical Accident Prevention Provisions (40 CFR Part 68). The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

Dave Hensley (6EN-AS)
U.S. Environmental Protection Agency
hensley.dave@epa.gov
214-665-6739
1445 Ross Avenue
Dallas, TX 75202

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR
525 S. Griffin Street, Suite 501
Dallas, Texas 75202
(972) 850-3100
(972) 850-3101 Fax



Josh Bernstein
(972) 850-3119

VIA US MAIL

August 14, 2015

Mr. John X. Cerveny
Executive Secretary
Occupational Safety & Health
Review Commission
One Lafayette Centre
1120 20th Street, NW, 9th Floor
Washington, DC 20036-3457

Re: *Secretary v. EI DUPONT DE NEMOURS & CO, INC.*
OSHRC Docket No. 15-1283
OSHA Inspection No. 1019650
RSOL Case No. 0660-15-01017

Dear Mr. Cerveny:

Enclosed for filing are the original and one copy of a Complaint.

Please file this instrument and return a conformed copy to us in the enclosed envelope, indicating the date filed. If you have any questions, please contact me at (972) 850-3119.

Respectfully,


Josh Bernstein
Trial Attorney

Enclosures

cc: Greg Dillard
KATTEN MUCHIN ROSENMAN
1301 McKinney Street
Suite 3000
Houston, TX 77010-3033
greg.dillard@kattenlaw.com
phone - 713-270-3444
fax - 713-583-1953

THOMAS E. PEREZ, Secretary of
Labor, United States Department
of Labor

Complainant,

V.

EL DUPONT DE NEMOURS & CO, INC.
and its Successors,

Respondent.

OSHRC Docket No. 15-1283

Inspection No. 1019650

COMPLAINT

An inspection has disclosed that, at the times and in the manner hereinafter stated, the provisions of Section 5(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651, *et seq.*, hereinafter referred to as the Act, have been violated. It is, therefore, alleged and charged that:

I.

Jurisdiction of this proceeding is conferred upon the Occupational Safety and Health Review Commission, hereinafter referred to as the Commission, by Section 10(c) of the Act, 29 U.S.C. § 659(c).

II.

Respondent is an employer engaged in a business affecting commerce within the meaning of Section 3(5) of the Act, 29 U.S.C. § 652(5).

III.

As a result of an inspection at respondent's workplace by an authorized representative of complainant, respondent was issued three (3) citations for repeat, serious and willful violations pursuant to Section 9(a) of the Act. The repeat violation is also serious within the meaning of Section 17(k) of the Act. The violations are set forth in the attached citation marked as Exhibit A and adopted by reference pursuant to 29 C.F.R. § 2200.30(d).

IV.

Exhibit A states with particularity the time, location, place, and circumstances of such alleged violations.

V.

On July 23, 2015 complainant received from respondent a notice of intent to contest the aforesaid citation pursuant to the provisions of § 10(c) of the Act.

VI.

The penalty proposed for the violations set forth in Exhibit A is appropriate within the meaning of § 17(j) of the Act, giving due consideration to the size of the business, the gravity of the violation, the good faith of the respondent, and the history of previous violations.

VII.

The period for abatement of the alleged violation is based upon a consideration of all known pertinent facts. Considerations useful to arriving at an abatement date include (1) the gravity of the alleged violation, (2) the availability of needed equipment, material, and/or personnel, (3) the time required for delivery, installation, modification of construction, and (4) training of personnel.

WHEREFORE PREMISES CONSIDERED, Complainant demands the Commission issue an order pursuant to Section 10(c) of the Act, 29 U.S.C. § 659(c), affirming the citation.

U. S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone (972) 850-3100
Facsimile (972) 850-3101

RSOL Case No. 0660-15-01017

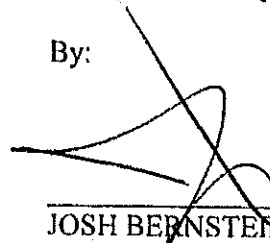
Respectfully Submitted,

M. PATRICIA SMITH
Solicitor of Labor

JAMES E. CULP
Regional Solicitor

MADELEINE T. LE
Counsel for Occupational Safety & Health

By:

A handwritten signature in black ink, appearing to read "Josh Bernstein", is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

JOSH BERNSTEIN
Trial Attorney

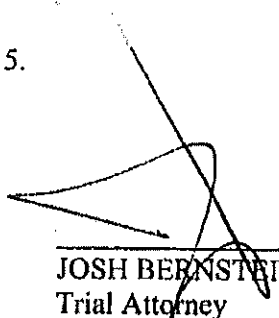
Attorneys for Complainant.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Complaint was served upon the attorney of record of all parties, as shown by the letter of transmittal incorporated herein by reference, by depositing the same in the United States mail in an envelope addressed to such parties' or attorney's last known address:

Greg Dillard
KATTEN MUCHIN ROSENMAN
1301 McKinney Street
Suite 3000
Houston, TX 77010-3033
greg.dillard@kattenlaw.com
phone - 713-270-3444
fax - 713-583-1953

Signed this 14 day of August, 2015.



JOSH BERNSTEIN
Trial Attorney

NOTICE TO RESPONDENT/EMPLOYER

You are hereby notified that you must file an answer to this complaint proposing penalty, in which you include a plain and concise statement of the reasons you have contested each of the violations cited in the complaint proposing penalty, whether you admit that a violation occurred, and whether you request a hearing. Such answer must be filed with the Occupational Safety and Health Review Commission, within 20 days from the date of service of this complaint proposing penalty. See the Commission's rules at 29 C.F.R. § 2200.34(b)(1). A copy of your answer must be sent to the Office of the Solicitor, at the address appearing above. Failure to file an answer may result in default being entered against you on this petition, under 29 C.F.R. § 2200.101(a).

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352

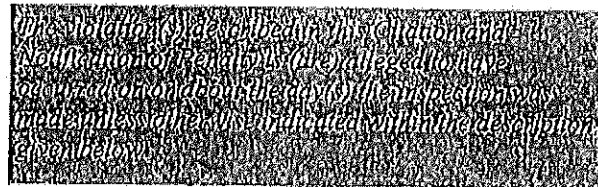


Citation and Notification of Penalty

To:
E.I. DUPONT DE NEMOURS & CO., INC.
and its successors
P. O. BOX 347
La Porte, TX 77572

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015

Inspection Site:
12501 STRANG RD.
La Porte, TX 77572



This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).



If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities -- The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees -- The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data -- You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/09/2015. The conference will be held by telephone or at the OSHA office located at 17625 El Camino Real, Suite 400, Houston, TX 77058 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1019650

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572
Issuance Date: 07/09/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor -- Occupational Safety and Health Administration, 17625 El Camino Real, Suite 400, Houston, TX 77058

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.119(d): The employer did not complete a compilation of written process safety information pertaining to the equipment in the process.

a) This violation was most recently observed on or about January 12, 2015 in the Herbicide Business Unit (HBU) at DuPont Plant located in La Porte, Texas when the employer failed to document and maintain the Process Safety Information (PSI) including but not limited to; design specification and the materials of construction for the following process piping:

1. Line # 2" 2511 / 2" 2512 (Extractor Pump Tank Overhead to Vacuum Stripper Column)
2. Line # 2" 3615/ 2" 3615A (Vacuum Stripper Seal Pot to F3455 Stripped S/T)
3. Line # 3" 3204/2" 3205 (Crystallizer Outlet to Slurry Hold Tank)
4. Line # 3" 3151 (Preheater to Concentrator)

b) This violation was most recently observed on or prior to January 12, 2015 in the HF Unit at DuPont Plant located in La Porte, Texas when the employer failed to document and maintain the Process Safety Information (PSI) including but not limited to; design specification and the materials of construction for the following process piping: Line # 1526, 2" from drip acid tank vent to middle primary gas cooler.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(i): The Process Hazard Analysis did not address the hazards of the process;

On or about January 12, 2015, the employer's process hazard analysis was not appropriate to the complexity of the process in that it did not address and control the hazards of the Hexazinone process. The process hazard analysis did not address potential employee exposure to hazardous chemicals and temperatures resulting from the atmospheric discharge from pressure relief devices on the CHI Condenser Seal Pot and Vacuum Stripper Seal Pot.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

Citation 1 Item 2 b Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices (RAGAGEP).

This violation was most recently observed on or about January 12, 2015, in the Herbicides (Hexazinone) Business Unit at DuPont Plant located in La Porte, Texas, when the employer did not document that atmospheric discharge piping from pressure relief devices on the CHI Condenser Seal Pot and Vacuum Stripper Seal Pot relieved to a safe location and complied with (RAGAGEP) such as the ASME Boiler and Pressure Vessel Code, Section VIII.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/25/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.119(f)(1): The employer did not develop and implement written operating procedures.

This violation was most recently observed on or about January 12, 2015, in the Herbicides (Hexazinone) Business Unit at DuPont Plant located in La Porte, Texas when the employer did not develop and implement written operating procedures for each operating phase of the Vacuum Stripper Preheater (304-352-21).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.119(j)(2): Written procedures. The employer did not establish and implement written procedures to maintain the on-going integrity of process equipment.

On or about January 12, 2015 in the Hydrogen Fluoride Unit (HF) at DuPont Plant located in La Porte, the employer did not establish and implement written procedures to maintain the on-going integrity of process equipment such as lined process piping (e.g. Teflon-lined piping).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2015
\$7000.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1910.119(j)(4)(i): Inspections and tests was not performed on process equipment.

On or about January 12, 2015, in the Herbicide Business Unit (HBU) at DuPont Plant located in La Porte, Texas, the employer did not perform inspections and test on process piping, including but not limited to;

- 1) Line # 2" 2511 / 2" 2512 (Extractor Pump Tank Overhead to Vacuum Stripper Column)
- 2) Line # 2" 3615/ 2" 3615A (Vacuum Stripper Seal Pot to F3455 Stripped S/T)
- 3) Line # 3" 3204/2" 3205 (Crystallizer Outlet to Slurry Hold Tank)
- 4) Line # 3" 3151 (Preheater to Concentrator)

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2015
\$70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

Citation 2 Item 2 Type of Violation: **Willful**

29 CFR 1910.119(j)(4)(ii): Inspection and testing procedures shall follow recognized and generally accepted good engineering practices.

On or about January 12, 2015, in the Herbicides (Hexazinone) Business Unit at DuPont Plant located in La Porte, Texas, the employer data did not include t-min/t-required and corrosion rate values as stipulated in RAGAGEP such as API 570 and DuPont Corporate MI procedures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2015
\$70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

Citation 2 Item 3 Type of Violation: **Willful**

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment was not consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

On or about January 12, 2015 in the Herbicides (Hexazinone) Business Unit at DuPont Plant located in La Porte, Texas, the employer did not ensure that the frequency of inspections and tests of process vessels was consistent with applicable manufacturers' recommendations and good engineering practices for process vessels including but not limited to; the Crystallizer (304-326-08) and Vacuum Stripper Preheater (304-352-21).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2015
\$70000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019650
Inspection Date(s): 01/12/2015 - 07/02/2015
Issuance Date: 07/09/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572

Citation 3 Item 1 Type of Violation: **Repeat**

29 CFR 1910.119(j)(4)(i): Inspections and tests were not performed on process equipment.

This violation was most recently observed in the Hydrogen Fluoride (HF) Unit at DuPont Plant located in La Porte, Texas when inspections and tests were not performed on hydrofluoric acid process piping. The employer did not perform inspections and tests on Line #1526, 2" from the drip acid tank vent to the middle primary gas cooler.

E.I. DuPont De Nemours & Company was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1910.119(j)(4)(i) which is contained in OSHA Inspection Number 313371924, Citation Number 1 Item 2, issued on July 19, 2010 with respect to a workplace located at 901 West DuPont Ave, Belle, WV. This file became Final Order on August 24, 2010.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2015
\$35000.00

James E. Lawrence
James E. Lawrence
Acting Area Director for Mark R.
Briggs

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



INVOICE / DEBT COLLECTION NOTICE

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 STRANG RD., La Porte, TX 77572
Issuance Date: 07/09/2015

Summary of Penalties for Inspection Number	1019650
Citation 1, Serious	\$28000.00
Citation 2, Willful	\$210000.00
Citation 3, Repeat	\$35000.00
TOTAL PROPOSED PENALTIES	\$273000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

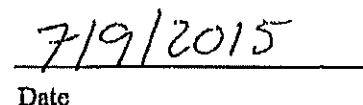
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

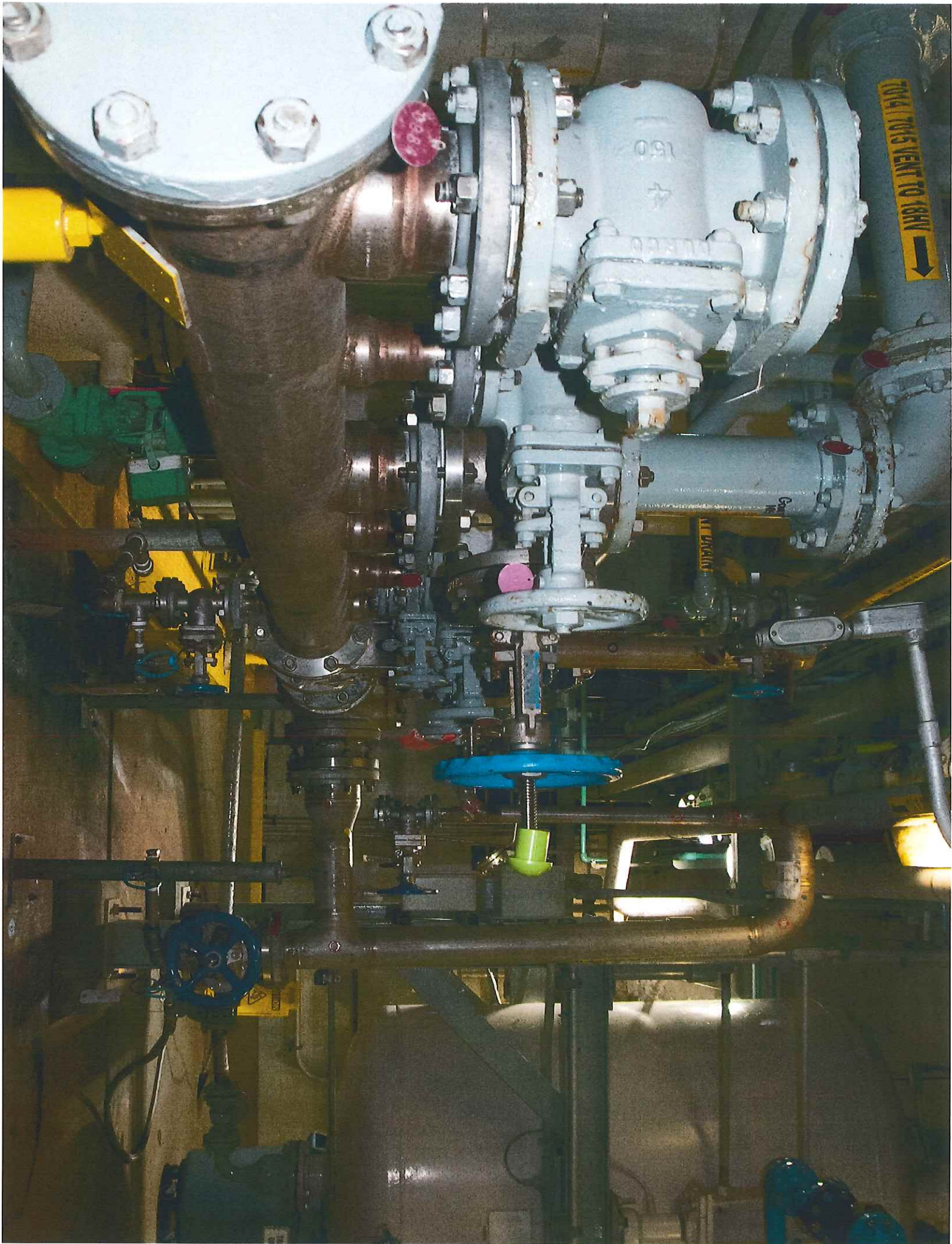
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


James E. Lawrence

Acting Area Director for Mark R. Briggs


Date



Hensley, Dave

From: Kevin.L.Roberts@dupont.com
Sent: Thursday, December 04, 2014 4:42 PM
To: Hensley, Dave
Subject: RE: EPA Risk Management Program Inspection 12/15-19/2014

Thanks. Momentarily, I'll send a meeting invitation for tomorrow, 1:00PM, central time.

Kevin Roberts, SHE Consultant
Emergency Planning & Response



The miracles of science®

12501 Strang Road
Post Office Box 347
La Porte, TX 77572-0347
Kevin.L.Roberts@usa.dupont.com
281-470-3933 Office
281-842-4165 Fax
281-468-0013 Cell

From: Hensley, Dave [mailto:Hensley.Dave@epa.gov]
Sent: Wednesday, December 03, 2014 4:28 PM
To: ROBERTS, KEVIN L
Subject: RE: EPA Risk Management Program Inspection 12/15-19/2014

Mr. Roberts;

I am available any time on Friday December 5, 2014.

Dave Hensley (GEN-AS)
U.S. EPA

From: Kevin.L.Roberts@dupont.com [mailto:Kevin.L.Roberts@dupont.com]
Sent: Wednesday, December 03, 2014 3:24 PM
To: Hensley, Dave
Subject: RE: EPA Risk Management Program Inspection 12/15-19/2014

Mr. Hensley –

Thank you for your email providing notice of EPA's planned Risk Management Program inspection at the DuPont La Porte facility. We received your document request and will work to collect documents in advance of your arrival as well as identify potential interviewees. We would like to propose a conference call prior to your visit to discuss scoping and resource needs. Please let me know your availability for a call on Friday, December 5 and I will send out a meeting request with dial in information.

Regards,

Kevin Roberts

From: Hensley, Dave [<mailto:Hensley.Dave@epa.gov>]
Sent: Wednesday, December 03, 2014 12:12 PM
To: ROBERTS, KEVIN L
Subject: EPA Risk Management Program Inspection 12/15-19/2014

Mr. Roberts;

My name is Dave Hensley. I do Risk Management Program inspections for the U.S. Environmental Protection Agency Region 6. I have been asked to do an inspection at your facility. The inspection is planned for December 15 to 19, 2014. I will be arriving at your facility at approximately 1:00 PM on December 15, 2014. This inspection will cover the requirements of the Clean Air Act Section 112(r) and the Chemical Accident Prevention Provisions (40 CFR Part 68). The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing of chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

Attached please find a checklist that I will use to guide the inspection, and a list of documents that I know I will need to review during the inspection. This list of documents is not intended to be all inclusive but a starting point.

During the inspection I know I will need to talk to people who can tell me about your worst case scenario determination, process hazard analysis (PHA) program, incident investigation program, management of change program, mechanical integrity program, training program, and emergency response program.

If there is an employee union at your facility, I need to extend an invitation to them to participate in the inspection. Please provide me the contact information for appropriate employee representatives.

Feel free to contact me if you have questions or concerns.

Sincerely,

Dave Hensley (6EN-AS)
U.S. Environmental Protection Agency
hensley.dave@epa.gov
1445 Ross Avenue
Dallas, TX 75202

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Jacob Holm & Sonner Holding A/S (Jacob Holm)
Kuraray Co., Ltd

DuPont accepts no liability or responsibility for the content or use of communications sent or received on behalf of such divested businesses or for the consequences of any actions taken on the basis of such communications.

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http://www.DuPont.com/corp/email_disclaimer.html

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Jacob Holm & Sonner Holding A/S (Jacob Holm)
Kuraray Co., Ltd

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U. S. DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR
525 S. Griffin Street, Suite 501
Dallas, Texas 75202
(972) 850-3100
(972) 850-3101 Fax



Josh Bernstein
(972) 850-3119

VIA US MAIL

July 20, 2015

Mr. John X. Cerveny
Executive Secretary
Occupational Safety & Health
Review Commission
One Lafayette Centre
1120 20th Street, NW, 9th Floor
Washington, DC 20036-3457


Re: *Secretary v. EI DUPONT DE NEMOURS & CO, INC.*
OSHRC Docket No. 15-1036
OSHA Inspection No. 1008319
RSOL Case No. 0660-15-00861

Dear Mr. Cerveny:

Enclosed for filing are the original and one copy of an Unopposed Motion To File Complaint Out Of Time, and Complaint.

Please file these instruments and return a conformed copy to us in the enclosed envelope, indicating the date filed. If you have any questions, please contact me at (972) 850-3119.

Respectfully,


Josh Bernstein
Trial Attorney

Enclosures

cc: Mark L. Farley
KATTEN MUCHIN ROSENMAN
1301 McKinney Street
Suite 3000
Houston, TX 77010-3033
mark.farley@kattenlaw.com
phone - 713-270-3434
fax - 713-583-1953

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of)	
Labor, United States Department)	
of Labor)	
)	
Complainant,)	
v.)	
	)	OSHRC Docket No. 15-1036
EI DUPONT DE NEMOURS & CO, INC.)	
and its Successors,)	
	)	Inspection No. 1008319
Respondent.)	

UNOPPOSED MOTION TO FILE COMPLAINT OUT OF TIME

COMES NOW Complainant, Secretary of Labor, United States Department of Labor, and files this Motion to File Complaint Out of Time.

1. On or about November 15, 2015, there was a chemical leak at the worksite located at or near La Porte, Texas. As a result of the accident, four employees were fatally injured and others were hospitalized. OSHA commenced its inspection of the worksite on the same date, and on May 14, 2015, OSHA issued three citations to Respondent for serious, other-than-serious, and repeat violations of the Act.

2. On June 5, 2015, Respondent filed its Notice of Contest. Consequently, the Secretary had until June 25, 2015 to file his Complaint.

3. OSHA forwarded the file to the Solicitor's Office. Due to numerous scheduling conflicts in the office, the case was assigned to one attorney and subsequently reassigned to another attorney. During this process, it was mistakenly believed that a complaint had already been filed. Upon discovering the mistake, the Secretary is immediately filing this Motion to File Complaint Out of Time.

4. The Secretary's filing of the complaint out of time is the result of inadvertent error as well as the enormous number of files which come and go through the Solicitor's Office. The delay was neither intentional nor prejudicial to the Respondent.

5. The Review Commission has addressed this issue and stated "the policy in the law in favor of deciding cases on their merits generally prevails unless the party's noncompliance results from its own contumacious conduct or results in prejudice to the opposing party." *ASARCO, Inc., El Paso Div., et al.* 8 BNA OSHC 2156, 2163 (Nos. 79-6850, etc., 1980). The Secretary's delay was not the result of contumacious conduct and will not result in prejudice to the opposing party.

6. Complainant has discussed this motion with counsel for Respondent, and the motion is unopposed.

WHEREFORE, for the forgoing reasons, the Secretary requests this court to allow the filing of the Complaint on the date that this motion was served on the Court and the parties.

Respectfully Submitted,

M. PATRICIA SMITH
Solicitor of Labor

JAMES E. CULP
Regional Solicitor

MADELEINE T. LE
Counsel for Occupational Safety and Health

By:



JOSH BERNSTEIN
Attorney

Attorneys for Complainant.

U. S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone (972) 850-3100
Facsimile (972) 850-3101

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Unopposed Motion To File Complaint Out Of Time was served upon the attorney of record of all parties, as shown by the letter of transmittal incorporated herein by reference, by depositing the same in the United States mail in an envelope addressed to such parties' or attorney's last known address:

Mark L. Farley
KATTEN MUCHIN ROSENMAN
1301 McKinney Street
Suite 3000
Houston, TX 77010-3033
mark.farley@kattenlaw.com
phone - 713-270-3434
fax - 713-583-1953

Signed this 20 day of JULY, 2015.



JOSH BERNSTEIN

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of)	
Labor, United States Department)	
of Labor)	
)	
Complainant,)	
v.)	
	)	OSHRC Docket No. 15-1036
EI DUPONT DE NEMOURS & CO, INC.)	
and its Successors,)	
	)	Inspection No. 1008319
Respondent.)	

UNOPPOSED MOTION TO FILE COMPLAINT OUT OF TIME

COMES NOW Complainant, Secretary of Labor, United States Department of Labor, and files this Motion to File Complaint Out of Time.

1. On or about November 15, 2015, there was a chemical leak at the worksite located at or near La Porte, Texas. As a result of the accident, four employees were fatally injured and others were hospitalized. OSHA commenced its inspection of the worksite on the same date, and on May 14, 2015, OSHA issued three citations to Respondent for serious, other-than-serious, and repeat violations of the Act.
2. On June 5, 2015, Respondent filed its Notice of Contest. Consequently, the Secretary had until June 25, 2015 to file his Complaint.
3. OSHA forwarded the file to the Solicitor's Office. Due to numerous scheduling conflicts in the office, the case was assigned to one attorney and subsequently reassigned to another attorney. During this process, it was mistakenly believed that a complaint had already been filed. Upon discovering the mistake, the Secretary is immediately filing this Motion to File Complaint Out of Time.

4. The Secretary's filing of the complaint out of time is the result of inadvertent error as well as the enormous number of files which come and go through the Solicitor's Office. The delay was neither intentional nor prejudicial to the Respondent.

5. The Review Commission has addressed this issue and stated "the policy in the law in favor of deciding cases on their merits generally prevails unless the party's noncompliance results from its own contumacious conduct or results in prejudice to the opposing party." *ASARCO, Inc., El Paso Div., et al.* 8 BNA OSHC 2156, 2163 (Nos. 79-6850, etc., 1980). The Secretary's delay was not the result of contumacious conduct and will not result in prejudice to the opposing party.

6. Complainant has discussed this motion with counsel for Respondent, and the motion is unopposed.

WHEREFORE, for the forgoing reasons, the Secretary requests this court to allow the filing of the Complaint on the date that this motion was served on the Court and the parties.


Respectfully Submitted,

M. PATRICIA SMITH
Solicitor of Labor

JAMES E. CULP
Regional Solicitor

MADELEINE T. LE
Counsel for Occupational Safety and Health

By:



JOSH BERNSTEIN
Attorney

Attorneys for Complainant.

U. S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone (972) 850-3100
Facsimile (972) 850-3101

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Unopposed Motion To File Complaint Out Of Time was served upon the attorney of record of all parties, as shown by the letter of transmittal incorporated herein by reference, by depositing the same in the United States mail in an envelope addressed to such parties' or attorney's last known address:

Mark L. Farley
KATTEN MUCHIN ROSENMAN
1301 McKinney Street
Suite 3000
Houston, TX 77010-3033
mark.farley@kattenlaw.com
phone - 713-270-3434
fax - 713-583-1953

Signed this 20 day of JULY, 2015.



JOSH BERNSTEIN

As a result of an inspection at respondent's workplace by an authorized representative of complainant, respondent was issued three (3) citations for repeat, serious and other-than-serious violations pursuant to Section 9(a) of the Act. The repeat violation is also serious within the meaning of Section 17(k) of the Act. The violations are set forth in the attached citation marked as Exhibit A and adopted by reference pursuant to 29 C.F.R. § 2200.30(d).

IV.

Exhibit A states with particularity the time, location, place, and circumstances of such alleged violations.

V.

On June 5, 2015 complainant received from respondent a notice of intent to contest the aforesaid citation pursuant to the provisions of § 10(c) of the Act.

VI.

The penalty proposed for the violations set forth in Exhibit A is appropriate within the meaning of § 17(j) of the Act, giving due consideration to the size of the business, the gravity of the violation, the good faith of the respondent, and the history of previous violations.

VII.

The period for abatement of the alleged violation is based upon a consideration of all known pertinent facts. Considerations useful to arriving at an abatement date include (1) the gravity of the alleged violation, (2) the availability of needed equipment, material, and/or personnel, (3) the time required for delivery, installation, modification of construction, and (4) training of personnel.

WHEREFORE PREMISES CONSIDERED, Complainant demands the Commission issue an order pursuant to Section 10(c) of the Act, 29 U.S.C. § 659(c), affirming the citation.

U. S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone (972) 850-3100
Facsimile (972) 850-3101

RSOL Case No. 0660-15-00861

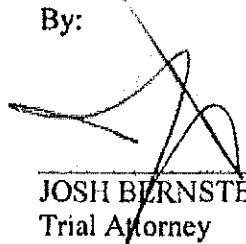
Respectfully Submitted,

M. PATRICIA SMITH
Solicitor of Labor

JAMES E. CULP
Regional Solicitor

MADELEINE T. LE
Counsel for Occupational Safety & Health

By:



A handwritten signature in black ink, appearing to read 'Josh Bernstein', is written over a horizontal line.

JOSH BERNSTEIN
Trial Attorney

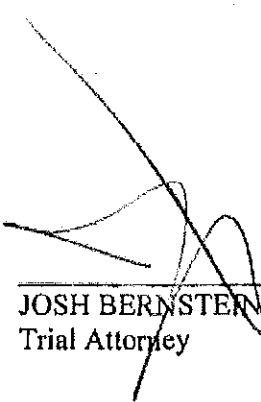
Attorneys for Complainant.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Complaint was served upon the attorney of record of all parties, as shown by the letter of transmittal incorporated herein by reference, by depositing the same in the United States mail in an envelope addressed to such parties' or attorney's last known address:

Mark L. Farley
KATTEN MUCHIN ROSENMAN
1301 McKinney Street
Suite 3000
Houston, TX 77010-3033
mark.farley@kattenlaw.com
phone - 713-270-3434
fax - 713-583-1953

Signed this 20 day of July, 2015.



JOSH BERNSTEIN
Trial Attorney

NOTICE TO RESPONDENT/EMPLOYER

You are hereby notified that you must file an answer to this complaint proposing penalty, in which you include a plain and concise statement of the reasons you have contested each of the violations cited in the complaint proposing penalty, whether you admit that a violation occurred, and whether you request a hearing. Such answer must be filed with the Occupational Safety and Health Review Commission, within 20 days from the date of service of this complaint proposing penalty. See the Commission's rules at 29 C.F.R. § 2200.34(b)(1). A copy of your answer must be sent to the Office of the Solicitor, at the address appearing above. Failure to file an answer may result in default being entered against you on this petition, under 29 C.F.R. § 2200.101(a).

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



Citation and Notification of Penalty

To:
E.I. DUPONT DE NEMOURS & CO., INC.
and its successors
P.O. BOX 347
La Porte, TX 77572

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015

Inspection Site:
12501 Strang Road
La Porte, TX 77572

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).



If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/14/2015. The conference will be held by telephone or at the OSHA office located at 17625 El Camino Real, Suite 400, Houston, TX 77058 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1008319

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572
Issuance Date: 05/14/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 17625 El Camino Real, Suite 400, Houston, TX 77058**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(i)(B); Process safety information pertaining to the equipment in the process did not include the piping and instrument diagrams (P&IDs):

On November 15, 2015 and at times prior thereto, Piping and instrument diagrams such as, but not limited to the following, were inaccurate or incomplete:

- a) Piping and Instrument Diagram (P&ID) W363900 Railcar Spot 1A2, the Nitrogen Rupture Disc (RD) set pressures differ in the field from what is reflected on the P&ID.
- b) Piping and Instrument Diagram (P&ID) W117396 Railcar Spot 1A4, the Nitrogen Rupture Disc (RD) set pressures differ in the field from what is reflected on the P&ID.
- c) Piping and Instrument Diagram (P&ID) W1173976, line 11965 reflects that it vents to the MIC Incinerator instead of the NRS.
- d) Piping and Instrument Diagram (P&ID) W363888, line 2822 reflects G82K as being plugged, but it has been modified.
- e) Piping and Instrument Diagram (P&ID) W363888, line 2817 reflects G32K with a blind flange, but it has been modified.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.119(e)(1): The process hazard analysis was not appropriate to the complexity of the process and did not identify, evaluate, and control the hazards involved in the process:

On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, the employer:

- a) Did not identify, evaluate and control hazards that workers are exposed to when engineering controls such as the ventilation fans of the Lannate/API manufacturing building are out of service.
- b) Did not identify, evaluate and control the hazards that could lead to loss of containment and or process upset, resulting from draining low point bleeds on the MeSH vent header to atmosphere, on the 3rd floor of the Lannate Building.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$7000.00

See page 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 2 b Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(iii): The process hazards analysis did not address Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors.);

a) On November 15, 2015 and at times prior thereto and times subsequent thereto, at the DuPont facility in La Porte, TX, the employer did not have a MeSH alarm detection system located at or on the 3rd floor of the Lannate/API Manufacturing Building that would provide employees with an early warning of a release.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/18/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(ii)(B): The employers written operating procedures covering operating limits did not address the steps required to correct deviations:

-In the Alternative-

29 CFR 1910.119(J)(2): The employer did not establish and implement written procedures to maintain the on-going integrity of process equipment as required.

a) On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, the employer did not develop and implement written procedures to correct/address pluggage in the lines of the Mesna system.

b) On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, the employer did not develop and implement written procedures to correct/address pluggage in the lines of the MeSH system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.119(f)(4): The employer did not develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, the employer did not implement safe work practices to provide for the control of hazards during the opening of process equipment or piping in the following instances:

- a) Opening the drain lines on vent header at or near 18HV
- b) Swapping and draining the flame arrestors on the NOx Reduction System (NRS)

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.119(j)(5): Equipment deficiencies. The employer did not correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in paragraph (d) of this section) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

On November 15, 2015 and at times prior thereto, in the Lannate/API building of the DuPont facility in La Porte, Texas the employer did not repair the ventilation fans in a timely manner and did not implement measures to ensure safe entry and operation of processes in the building that rely on the ventilation for safety:

- a) Wet end ventilation fan was out of service and the affected section of the building was not restricted - chemicals continued to be brought into the building, operation of processes continued, line openings in the building continued, and adjustments were not made to ensure it would be safe for personnel entry.
- b) Damp end ventilation fan was out of service and the affected section of the building was not restricted - chemicals continued to be brought into the building, operation of processes continued and adjustments were not made to ensure it would be safe for personnel entry.

Hazard Assessment, Hazard Recognition training

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 6 a Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer did not establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process.

On or about November 15, 2014 and at times prior to, at the E.I. DuPont facility in La Porte, Texas the employer did not implement its change of design (COD) procedure to manage changes when:

- a) Changes were made to the Mercaptan vent piping on the third floor of the Lannate/API Building.
- b) The 1A2 railcar spot was used to route liquid Mercaptan from the storage tank to the vent and nitrogen header system.
- c) The 1A4 railcar spot was used to route liquid Mercaptan from the storage tank to the vent and nitrogen header system.
- d) Operation of the process changed and the Low points around the 18HV were used to drain fluids from the Mercaptan vent header while process is running and the vent is not isolated from the process.
- e) Did not follow the ventilation fan operating procedure to restrict access to the Lannate/API building when the wet end ventilation fan was not operating.
- f) Did not follow the ventilation fan operating procedure to restrict access to the Lannate/API building when the dry end ventilation fan was not operating.
- g) The safety interlock at the 1185HV was bypassed.
- h) The safety interlock at the 1152FV was bypassed.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1910.119(l)(4): Process safety information required by paragraph (d) of this section was not updated when a change covered by this paragraph resulted in a change in the process safety information.

On or about November 15, 2014 and at times prior to, the employer did not update its piping and instrumentation diagram W1722137 to show the piping modification for the Change of Design (TCOD 2011-51) when piping was modified to route a drain line from the AAO vent header to the MIC Caustic Scrubber.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/18/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.134(c)(1)(vii) The employer failed to train employees in the respiratory hazards to which they are potentially exposed during routine situations;

On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, The employer did not ensure employees were trained to recognize the respiratory hazards they were exposed to while opening low point drains on the NRS/ Mesh vent header.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.165(b)(1): The employee alarm system did not provide warning for reaction time for safe escape of employees from the workplace or the immediate work area, or both.

On November 15, 2015 and at times prior thereto, at the DuPont facility located in La Porte, TX, the employer did not ensure that the employee alarm system provided warning for reaction time for safe escape from the Lannate/API Manufacturing Building.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 9 a Type of Violation: **Serious**

29 CFR 1910.1000(a)(1): Employee(s) were exposed to an airborne concentration of Methyl Mercaptan listed in Table Z-1 in excess of the ceiling concentration of 10 ppm:

On or about November 15, 2015 and at times prior thereto, in the Lannate/API building of the DuPont facility in La Porte, Texas, employees were exposed to airborne concentrations of Methyl Mercaptan while opening bleed valves on a relief header:

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 9 b Type of Violation: **Serious**

29 CFR 1910.1000(e): Administrative or engineering controls were not used and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d). When such controls were not feasible/available to achieve full compliance, protective equipment or any other protective measures were not used to keep the exposure of employees to air contaminants within the limits prescribed:

On or about November 15, 2015 and at times prior thereto, in the Lannate/API building of the DuPont facility in La Porte, Texas, the employer failed to implement adequate engineering and administrative measures and/or take any other protective measures to keep the exposure of employees to air contaminants within the limits prescribed:

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/01/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 2 Item 1 Type of Violation: Repeat

29 CFR 1910.119(g)(1)(i): Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, was not trained in an overview of the process and in the operating procedures as specified in paragraph (f) of this section. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

a) On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, The employer did not train employees on the written operating procedure for the Lannate/API/MIC building ventilation fans ("Building Ventilation System Function of Operation") and all safe work practices that needed to be employed in the event they were not operational.

b) On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, The employer failed to train employees on the safe work practices for draining Low Point Drains located near the 18HV, and did not ensure employees followed line opening and MSS procedures.

E.I. DuPont De Nemours & Company was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1910.119(g)(1)(i) which is contained in OSHA Inspection Number 313371924, Citation Number 1 Item 5, issued on July 19, 2010 with respect to a workplace located at 901 West DuPont Ave, Belle, WV. This file became Final Order on August 24, 2010.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$35000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

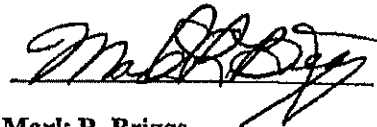
29 CFR 1910.119(h)(2)(vi): The employer shall maintain a contract employee injury and illness log related to the contractor's work in process areas.

On or about November 15, 2014, at the DuPont facility in La Porte, TX, the employer did not provide copies of the Injury and Illness Logs for their contractors.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$1000.00


Mark R. Briggs
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



INVOICE / DEBT COLLECTION NOTICE

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572
Issuance Date: 05/14/2015

Summary of Penalties for Inspection Number	1008319
Citation 1, Serious	\$63000.00
Citation 2, Repeat	\$35000.00
Citation 3, Other-than-Serious	\$1000.00
TOTAL PROPOSED PENALTIES	\$99000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

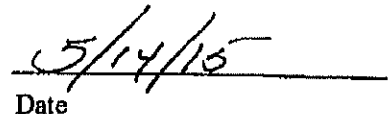
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


Mark R. Briggs

Area Director


Date



Region 6 Compliance Assurance and Enforcement Division
INSPECTION REPORT

Inspection Date(s):	12/15-18/2014		
Media:	Air		
Regulatory Program(s)	RMP		
Company Name:	DuPont		
Facility Name:	La Porte Plant		
Facility Physical Location:	12501 Strang Road		
(city, state, zip code)	La Porte, TX 77572		
Mailing address:	P.O. Box 347		
(city, state, zip code)	La Porte, TX 77572		
County/Parish:	Harris County		
Facility Contact:	Kevin L. Roberts	Gulf / West Fire Safety Leader	
	Kevin.L.Roberts@usa.dupont.com		
FRS Number:	110000463542		
Identification/Permit Number:	RMP # 1000 0014 8912, Air Permit # 1846, 1845, and 1905		
Media Number:	AFS # 48-201-00011		
NAICS:	All Other Basic Inorganic Chemical Manufacturing = 325188, and 325199 Pesticide and Other Agricultural Chemical Manufacturing = 32532		
Personnel participating in inspection:			
Randell S. Clements	DuPont	Plant Manager	(281) 470-3222
Kevin Roberts	DuPont	Gulf / West Fire Safety Leader	(281) 470-3222
Deb Tandarich	DuPont	Global Safety, Health and Environmental Manager, Crop Protection	(281) 470-3222
Robert B Doremus	DuPont	Safety, Health & Environmental Manager	(281) 470-3222
Reynaldo Pagan	DuPont	Mechanical Integrity	(281) 470-3222
Marvin Stephens	DuPont	Management of Change	(281) 470-3222
Nolan Millet	DuPont	Incident Investigations	(281) 470-3222
Dave Kolkmeier	DuPont	Process Hazard Analysis	(281) 470-3222
Karen Stocki	DuPont	Training	(281) 470-3222
Whit Smith	DuPont via Katten, Muchlin, Rosenmant LLP	Attorney at Law	
James Rizk	DuPont via Katten, Muchlin, Rosenmant LLP	Attorney at Law	
Dave Hensley	EPA Region 6, 6EN-AS	Physical Scientist (Environmental)	(214) 665-6739
Sherronda Phelps	EPA Region 6, 6EN-ASH	Risk Management Inspector	(281) 983-2122
Herman F. Rogers II	TCEQ	Environmental Investigator	(713) 767-3500
Faith Cotton	TCEQ	Emergency Response Coordinator	(713) 767-3650
EPA Lead Inspector Signature/Date	<i>Dave Hensley</i> Dave Hensley		5-15-2015 Date
Supervisor Signature/Date	<i>Samuel Tate</i> Sam Tate		5/15/2015 Date

Section I - INTRODUCTION

PURPOSE OF THE INSPECTION

The EPA Region 6 inspectors, Dave Hensley and Sherronda Phelps, arrived at the DuPont / La Porte Plant at 1 PM on December 15, 2014, for an announced inspection. We met with Randell S. Clements / Plant Manager, Kevin Roberts / Gulf/West Fire Safety Leader, Deb Tandarich / Global Safety, Health and Environmental Manager (Crop Protection), Robert B Doremus / Safety, Health & Environmental Manager, Whit Smith / Attorney, James Rizk / Attorney, and other company representatives at an opening conference at 2 PM. I, Dave Hensley, presented my credentials to those present and informed them that this was an EPA inspection to determine compliance with the facility's Risk Management Program and Clean Air Act Section 112(r). The scope of the inspection was a partial compliance inspection focused on the Clean Air Act Section 112(r) and the Chemical Accident Provisions 40 CFR 68. I invited Roy Reed of the International Chemical Workers Union Council Local 900C to participate in the inspection. This inspection was in response to a release of methyl mercaptan that occurred on November 15, 2014, resulting in the death of four DuPont employees.

FACILITY DESCRIPTION

The DuPont facility is situated on about 600 acres of property north and west of the intersection of State Highways 225 and 146, which is fronting on Upper San Jacinto Bay. DuPont is engaged in three (3) major businesses at the La Porte Plant: Crop Protection Products - used for improving crop yields and quality at value adding prices, Inorganic acids - used to produce Teflon(R) non-stick coatings and environmentally friendly refrigerants, and Plastics for auto safety glass and consumer packaging materials. (RMP)

Section II - OBSERVATIONS

40 C.F.R. Part 68 – CHEMICAL ACCIDENT PREVENTION PROVISIONS

Subpart A – General

40 C.F.R. § 68.10 Applicability - I observed that DuPont La Porte is a stationary source that has Air Operating Permits 1845, 1846, and 1905 and more than a threshold quantity of a regulated substances in four processes; Lannate® – API, Herbicides, Fluoroproducts, and Vinyls; therefore, these regulations are applicable. DuPont submitted a Risk Management Plan (RMP) that describes these four processes containing toxic and flammable chemicals held at more than a threshold quantity. The processes are Program 3 due to the NAIC code of 32411 Petroleum Refineries and the facility is subject to OSHA's Process Safety Management Standard (29 CFR 1910.119).

40 C.F.R. § 68.12 General requirements – I reviewed the RMP submitted by DuPont on September 23, 2011, that listed eight toxic and flammable chemicals in four processes, as detailed below.

Table 1: DuPont La Porte Plant RMP Chemicals and Processes

Process	Program Level	Chemical Name	CAS Number	Quantity (lbs)	Flammable/ Toxic
Lannate (R) - API	3	Chlorine	7782-50-5	180,000	Toxic
Lannate (R) - API	3	Methyl mercaptan [Methanethiol]	74-93-1	122,000	Toxic
Herbicides	3	Dimethylamine [Methanamine, N-methyl-]	124-40-3	150,000	Flammable
Fluoroproducts	3	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide]	8014-95-7	3,000,000	Toxic
Fluoroproducts	3	Hydrogen fluoride/Hydrofluoric acid (conc 50% or greater) [Hydrofluoric acid]	7664-39-3	730,000	Toxic
Vinyls	3	Ethylene [Ethene]	74-85-1	20,000	Flammable
Vinyls	3	Vinyl acetate monomer [Acetic acid ethenyl ester]	108-05-4	7,600,000	Toxic
Vinyls	3	Acetaldehyde	75-07-0	10,000	Flammable

(RMP)

40 C.F.R. § 68.15 Management – DuPont has developed a management system to oversee the implementation of the risk management program elements. This system assigned qualified persons or positions overall responsibility for the development, implementation, and integration of the Risk Management Program elements.

Subpart B – Hazard Assessment

40 C.F.R. § 68.20 Applicability - DuPont prepared a worst-case release scenario analysis and completed the five-year accident history. Since DuPont has Program 3 processes, they must comply with all sections in this subpart.

40 C.F.R. § 68.22 Offsite consequence analysis parameters – I observed that DuPont used the parameters required in this part to calculate toxic and flammable worst-case and alternative case release scenarios.

40 C.F.R. § 68.25 Worst-case release scenario analysis – The RMP report and documentation I reviewed during the inspection shows that DuPont analyzed and reported a worst-case toxic release and three flammable releases in its RMP. This was done using the EPA's Offsite Consequence Analysis Reference Tables or equations.

40 C.F.R. § 68.28 Alternative release scenario analysis – DuPont analyzed and reported five alternate release scenarios, one for each RMP toxic substance, in their RMP. Also, DuPont reported the analysis of one flammable alternative case release in the RMP. I reviewed documentation that was in the processes hazard analysis (PHA) that used the appropriate factors to determine DuPont's worst-case and alternative case scenarios.

40 C.F.R. § 68.30 Defining offsite impacts – Population – I talked with Kevin Roberts, Gulf / West Fire Safety Leader about the offsite consequences analysis done by DuPont. He related that they used the

Census Bureau population data current at the time of analysis and the distance to endpoints, as specified in these regulations, to calculate the population numbers reported in their RMP.

40 C.F.R. § 68.33 Defining offsite impacts – Environment – Documentation provided by DuPont and discussions with Kevin Roberts showed me that USGS Data was used to determine the environmental receptors and the distance to endpoints.

40 C.F.R. § 68.36 Review and update – I reviewed documentation included in several PHAs that illustrated reviews and updates regarding the offsite consequences are occurring at least every five years. DuPont staff told me that there is a mechanism in the change management system that will flag the need for revisions if the maximum intended inventory of any RMP chemical changes.

40 C.F.R. § 68.39 Documentation – I was provided documentation of the offsite consequence analyses. For worst-case and alternative case scenarios, a description of the vessel or pipeline, the substance selected as worst-case, the assumptions and parameters used, and the rationale for selection was included; likewise, assumptions included use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released, estimated quantity released, release rate, and duration of release in the PHA. The methodology used to determine distance to endpoints was documented in the facility's RMP. The data used to estimate population and environmental receptors potentially affected was provided in the form of USGS Maps that had the distance to endpoint labeled with a circle from the emissions point.

40 C.F.R. § 68.42 Five year accident history – DuPont had reported three accidental releases in their RMP as of May 4, 2012, which are listed below. I requested and was provided incident investigations for these incidents.

Table 2. Five Year Accident History

Accident Date	Quantity Released (lbs)	Chemical Name	Notes
25-Jan-07	325	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide]	One member of the public injured
23-Mar-11	1	Chlorine	One employee or contractor injured
23-Jan-12	1	Hydrogen fluoride/Hydrofluoric acid (conc 50% or greater) [Hydrofluoric acid]	One employee or contractor injured

(RMP)

I reviewed the National Reporting Center (NRC) and State of Texas Environmental Electronic Reporting System (STEERS) for additional incidents that may have required addition to DuPont's five year accident history. I did not discover any other accident, not including the accident that occurred on November 15, 2014. It will have to be added to this accident history within six months from the accident, or by May 15, 2015.

Subpart D – Program 3 Prevention Program

40 C.F.R. § 68.65 Process safety information – I requested and reviewed process safety information for all RMP units at DuPont. The process safety information was maintained in an organized manner.

40 C.F.R. § 68.67 Process hazard analysis – I requested and reviewed the last two PHAs for each RMP process. The processes were broken down to manageable sections within the processes. All the PHAs were done within the required five year timeframe.

40 C.F.R. § 68.69 Operating procedures – I reviewed several operating procedures, which appeared to meet the requirements; however, the certifications from 2013 for Lannate Unit were not available. 40 C.F.R. 68.69(c) states, "... The owner or operator shall certify annually that these operating procedures are current and accurate".

40 C.F.R. § 68.71 Training – I requested and was provided the training files for the five individuals impacted by the November 15, 2014, incident. In my initial review I found issues associated with these training files. A DuPont press release, "DuPont Statement on La Porte (Texas) Facility Incident 11.17.14" on the November 15, 2014, incident stated, "Unfortunately, we were dealing with a contaminated unit that no qualified medical personnel could enter until deemed safe, because they were not trained in the use of the personal protective equipment (PPE)."

DuPont Statement on La Porte (Texas) Facility Incident
11.17.14

There are no words to fully express the loss we feel or the concern and sympathy we extend to the families of the four employees who died on November 16, and their co-workers. We continue to be directly engaged with the families to provide them every measure of support and assistance during this difficult time.

We are working closely with local, state and federal authorities as they conduct a thorough investigation into the incident, which will take some time. As part of that investigation, we are conducting our own top-to-bottom review of this incident and we will share what we learn with the relevant authorities.

We are reviewing the facts, and what we know is that at approximately 4 a.m. Central Time (CT) on November 15, the facility experienced a release of methyl mercaptan. Methyl mercaptan is a product commonly used to odorize natural gas for safety purposes.

The release was contained, and after receiving an official determination by the Medical Examiner of four confirmed employee fatalities, we began notifying the employees' families immediately. Unfortunately, we were dealing with a contaminated unit that no qualified medical personnel could enter until deemed safe, because they were not trained in the use of the personal protective equipment (PPE).

Our non-medically trained personnel who initially responded before 7 a.m. with the proper equipment reported the employees as non-responsive and likely fatalities. It was on that basis that the unit was barricaded for investigation just before 8 a.m.

By 11 a.m., the unit was deemed safe to enter just before noon, and the fatalities were confirmed by the Medical Examiner around 1:30 p.m. We immediately began to inform families thereafter.

It is important to note that the investigation will be extremely thorough and will take some time to complete. We will provide appropriate updates in the future.

CONTACTS

Aaron H. Woods
832.698.2383 o
281.726.9336 c

OUR COMPANY INVESTORS CAREERS MEDIA CENTER CONTACT GLOBAL DIRECTORY MSDS FINDER

CONNECT WITH DUPONT:
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(<http://www.dupont.com/corporate-functions/media-center/press-releases/dupont-news-statement-on-laporte-texas-facility-incident.html>)

This raises the potential concern regarding the need for qualified medical personnel trained in proper PPE to respond to a release of methyl mercaptan, a risk management program chemical.

40 C.F.R. § 68.73 Mechanical integrity – I requested and was provided mechanical integrity records for inspections of the methyl mercaptan storage tank, a Hydrogen Fluoride storage vessel, Wet End Fan (404-7003-01), Dry End Fan (404-7004-01), 7015 Bay Fan (404-7015-75), Melt Bay Fan (FAA Not

available), and methyl mercaptan Detectors (406-0659-XD 0 to 9). The thickness inspection report appeared to have readings that were below the retirement thickness for the methyl mercaptan storage tank. I spoke with Clay Naquh, an inspection technician, about this. He stated that the retirement thickness on the inspection form I reviewed was incorrect and provided me the correct and current thickness monitoring form (UltraPipe Thickness Report for Methyl Mercaptan Storage Tank, equipment ID 406-7010-08.00, Bates-labeled DUP-LAP-EPA-0003235 through DUP-LAP-EPA-0003250, Attachment 15, Confidential Business Information). The new form had retirement thickness listed that were lower than the current readings. Clay explained that this is the retirement thickness that is in the database used to track inspection results, and the old numbers were extraneous.

40 C.F.R. § 68.75 Management of Change – I asked for and was given a list of the management of changes (MOC) done in RMP units at the facility for the last year and the written procedure for MOC. DuPont uses Change of Design (COD) terminology referring to this process. I reviewed documentation for EC-COD_2013-1, LAN-TCOD-2013-8, LAN-CON 2013-31, COD 2013-045, and COD 2014-041.

40 C.F.R. § 68.77 Pre-startup review – Pre-startup review was included with the MOC documentation that I reviewed, which met the requirements.

40 C.F.R. § 68.79 Compliance audits – With my inspection announcement, I attached a request for documentation, which included the last two Risk Management Program compliance audits. On arrival, I was provided copies of audits that documented the review of the submission, of the RMP, but did not cover all the elements of the Risk Management Program. I brought this to Deb Tandarich and Kevin Roberts's attention and they provided me with copies of the last two Process Safety Management / Risk Management Program audits. These covered all the elements of the Risk Management Program.

40 C.F.R. § 68.81 Incident investigation – I requested the incident investigations for the following releases: November 15, 2014 (methyl mercaptan release), September 22, 2014 (sulfur dioxide release), August 8, 2013 (chlorine release), January 23, 2012 (hydrofluoric acid release), and March 23, 2011 (chlorine release). The incident investigation for the November 15, 2014, incident was not available because it occurred one month before the inspection. I reviewed the rest of the incident investigations. The September 22, 2014, investigation appeared to start more than 48 hours from the time of the incident. However, DuPont was able to show me that the investigation began less than 48 hours from when they became aware of the incident. The rest of the investigations were appropriate to the incident investigation regulation.

40 C.F.R. § 68.83 Employee participation – I reviewed the employee participation plan during this inspection. It meets the regulation; however, it could be further developed to become a better tool to improve management/employee relations, and safety.

40 C.F.R. § 68.85 Hot work permit – While onsite, I reviewed several hot work permits that met the requirements of this regulation.

40 C.F.R. § 68.87 Contractors – I observed that contractors and visitors were required to watch a safety video prior to entering the facility.

Subpart E – Emergency Response –

40 C.F.R. § 68.90 Applicability – DuPont employees first responders that respond to fires and releases onsite.

40 C.F.R. § 68.95 Emergency response program – I requested and was provided the Emergency Response Plan for the DuPont La Porte Plant (Attachment 5, La Porte Facility Emergency Response Plan, Bates-labeled DUP-LAP-EPA-0000759 through DUP-LAP-EPA-0001427, confidential business information). I reviewed this plan onsite and again in the office post-inspection. The plan was developed to meet the requirements of this subpart. The implementation of the Emergency Response Plan on November 15, 2014, is a potential area of concern. From what has been initially reported, it appears that during the emergency DuPont employees did not follow the La Porte Facility's Emergency Response Plan. Page DUP-LAP-EPA-0000796 of the Emergency Response Plan describes the actions to be taken by personnel in the affected area in the event of a Fume Release as listed in these bullet points:

- “• Determine affected area by listening to the yellow phone announcement
- Stop all work
- Proceed crosswind & upwind to nearest Shelter-In-Place
- Account to your Building Coordinator
- Building Coordinators report Personnel Accounting to area
- Ensure ALL Air Handling Equipment is turned off
- Ensure Shelter-In-Place is closed and sealed
- Obtain ELSA
- Prepare to evacuate, if instructed
- Notify EOC if evacuation occurs and upon arrival at alternate location
- If conditions are too severe, notify EOC
- Monitor announcements regarding incident
- Await further instructions or all clear.”

The emergency response plan also states that “ALL PERSONNEL OTHER THAN THOSE DESIGNATED IN THIS PROCEDURE SHALL STAY AWAY FROM THE AREA AND TAKE PRECAUTIONARY ACTION FOR THEIR OWN SAFETY AND THE SAFETY OF THOSE UNDER THEIR SUPERVISION.” (Page DUP-LAP-EPA-0000833).

40 C.F.R. § 68.195 Required corrections – The original RMP for this facility was submitted on June 25, 1999. There has been 5 resubmissions since then, which were all within the five years timeframe. The most recent correction was May 4, 2012, due to the correction of the five year accident history to include the January 23, 2012, accident. Another correction of the five year accident history will be due six months from the time of the November 15, 2014, incident, on May 15, 2015.

CAA 112(r)(1) – There was a release of methyl mercaptan at the DuPont La Porte Plant, on November 15, 2014, that resulted in the death of four DuPont employees. The CAA 112(r)(1) General Duty Clause states that:

“Prevention of Accidental Releases (1) Purpose and General Duty- It shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to paragraph (3) or any other extremely hazardous substance. The owners and operators of stationary sources producing, processing, handling or storing such substances have a general duty, in the same manner and to the same extent as section 654, title 29 of the United States Code, to identify hazards which may

result from such releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur.”

The incident report for this accident has not been finalized at this time and until then no determination of whether an area of concern exists.

Section III – AREAS OF CONCERN (AOC)

40 C.F.R. § 68.69 Operating procedures (c) Annual Certifications – DuPont failed to maintain operating procedure certifications for the Lannate unit for the year of 2013. Documents bates stamped DUP-LAP-EPA-0003353 to 0003391 are the certifications that DuPont provided during the inspection.

(c) “The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator shall certify annually that these operating procedures are current and accurate.”

40 C.F.R. § 68.200 Recordkeeping - “The owner or operator shall maintain records supporting the implementation of this part for five years unless otherwise provided in subpart D of this part.”

I added the following additional AOC subsequent to the onsite inspection:

40 C.F.R. § 68.95 Emergency response program – DuPont failed to implement their emergency response procedure on November 15, 2014.

“(a) The owner or operator shall develop and implement an emergency response program for the purpose of protecting public health and the environment. Such program shall include the following elements:”

Section IV – FOLLOW UP

The final incident investigation report for the November 15, 2014, incident was requested during this inspection. The investigation was continuing at the time of the inspection and this report. The report incident investigation report for the November 15, 2014, should be sent to Dave Hensley (EPA EN-AS), 1445 Ross Ave., Dallas, TX 75202 upon completion.

Section V – LIST OF APPENDICES

Appendixes CBI (not included in published version of the report)

1. 2014 “LaPorte – 1st Party Environmental Compliance Audit – RMP Program,” Bates-labeled DUP-LAP-PA-0003392 through DUPLAP-EPA-0003508
2. 2011 “1st Party Environmental Compliance Audit – RMP Program,” Bates-labeled DUP-LAP-EPA-0003509 through DUP-LAP-EPA- 0003577.
3. 2012 PSM Audit, Bates-labeled DUP-LAPEPA- 0003578 through DUP-LAP-EPA-0003635
4. 2009 PSM Audit, Bates-labeled DUP-LAPEPA-0003636 through DUP-LAP-EPA-0003700

5. La Porte Facility Emergency Response Plan, Bates-labeled DUP-LAP-EPA-0000759 through DUP-LAP-EPA-0001427
6. Incident Number 11-0082-RCI, dated March 23, 2011, "HPI 2011-10 – Chemical Exposure at 7013 Reactor in Lannate," Bates-labeled DUP-LAP-EPA-0003193 through DUP-LAP-EPA-0003231
7. Incident Number 12-0051-RCI, dated January 23, 2012, "HPI 2012-05 – Mechanic Exposed to HF While Dismantling Valve," Bates-labeled DUP-LAP-EPA-0003155 through DUP-LAP-EPA-0003192
8. Incident Number 13-0158-RCI, dated August 8, 2013, "HPI 2013-18 – Chlorine Release from Piping (D) – Lannate Permit No. 1834," Bates-labeled DUP-LAP-EPA-0002992 through DUP-LAP-EPA-0003154
9. Incident Number 14-0161-RCI, dated September 22, 2014, "HPI 2014-20 – SO2 Permit Exceedance from the Sulfuric Acid Unit Stack (D) – PSA Permit No. 21130," Bates labeled DUP-LAP-EPA-0002932 through DUP-LAP-EPA-0002991.
10. PHA 2013-IBU-02, "Process Hazard Analysis of "HTM Storage and Unloading," dated December 31, 2013, Bates-labeled DUP-LAP-EPA- 0002761 through DUP-LAP-EPA-0002931
11. PHA 08-IBU-01, "Process Hazard Analysis of Highly Toxic Materials Handling," dated December 20, 2008, Bates-labeled DUP-LAP-EPA-0002203 through DUP-LAP-EPA-0002547
12. 2013 Certifications of Operating Procedures, Bates-labeled DUP-LAP-EPA-0003371 through DUP-LAP-EPA-0003381
13. 2014 Certifications of Operating Procedures, Bates-labeled DUP-LAP-EPA-0003353 through DUP-LAP-EPA-0003370
14. Inspection documentation for the Methyl Mercaptan Storage Tank, including Vessel Inspection Reports, Equipment Inspection Plans, and Change Request Forms, dated January 4, 2001 through February 18, 2013, Bates-labeled DUPLAP-EPA-0003251 through DUP-LAP-EPA-0003352
15. UltraPipe Thickness Report for Methyl Mercaptan Storage Tank, equipment ID 406-7010-08.00, Bates-labeled DUP-LAP-EPA-0003235 through DUP-LAP-EPA-0003250
16. Lannate Methomyl Insecticide Technical Standard for the La Porte Plant, Bates-labeled DUP-LAP-EPA-0000062 through DUP-LAPEPA-0000758
17. Robert Tisnado, Bates-labeled DUP-LAP-EPA-0003701 through DUP-LAP-EPA-0003868
18. Crystle Wise, Bates-labeled DUP-LAP-EPA-0003869 through DUP-LAP-EPA-0003943
19. Danny Francis, Bates-labeled DUP-LAP-EPA-0003944 through DUP-LAP-EPA-0004061
20. Clarence Wade Baker, Bates-labeled DUP-LAP-EPA-0004062 through DUP-LAP-EPA-0004158
21. Gilbert Manual Tisnado, Bates-labeled DUP-LAP-EPA-0004159 through DUP-LAPEPA-0004298
22. 2012 Certifications of Operating Procedures, Bates-labeled DUP-LAP-EPA-0003382 through DUP-LAP-EPA-0003391
23. PHA 2013-IBU-03, "Process Hazard Analysis of A2213 Nitrosation, Chlorination, Filtration, & Thiolation," dated December 31, 2013, Bateslabeled DUP-LAP-EPA-0001950 through DUP-LAP-EPA-0002202
24. PHA 2008-API-01 / 2008-IBU-03, "Process Hazard Analysis of A2213 Nitrosation, Chlorination, Filtration, & Thiolation," dated December 31, 2008, Bates-labeled DUP-LAP-EPA-0002548 through DUP-LAP-EPA-0002760
25. PHA 2011-IBU-01, "Process Hazard Analysis of MHTA Synthesis," dated December 15, 2011, Bates-labeled DUP-LAP-EPA-0001673 through DUP-LAP-EPA-0001949
26. PHA 06-LAN-02, "Process Hazard Analysis of MHTA Synthesis," dated January 20, 2007, Bates-labeled DUP-LAP-EPA-0001428 through DUP-LAP-EPA-0001672
27. Work order history for the equipment specified [Wet End Fan (404-7003-01), Dry End Fan (404-7004-01), 7015 Bay Fan (404-7015-75), Melt Bay Fan (FAA not available), Methyl Mercaptan Detectors (406-0659-XD 0-9)] Bates-labeled DUP-LAP-EPA-0003232 through DUP-LAP-EPA-0003234

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of Labor,)	
United States Department of Labor,)	
)	
Complainant,	)	OSHRC Docket
	)	No. 15-1036
v.)	
)	
EI DUPONT DE NEMOURS & CO, INC.	)	OSHA Inspection
And its successors,	)	No. 1008319
)	
Respondent.)	

E.I. DU PONT DE NEMOURS & COMPANY'S ORIGINAL ANSWER

E.I. du Pont de Nemours & Company ("Respondent") files this Answer to the Secretary of Labor's Complaint, filed on July 20, 2015, ("Complaint") and the associated Citation and Notification of Penalty for Inspection No. 1008319, issued on May 14, 2015 ("Citation"). A copy of the Complaint is attached as Exhibit 1.

Answer to the Complaint

1) Respondent contests all aspects, sub-items, and descriptions of the alleged violations set forth in the Complaint and Citation, as well as all of the proposed classifications, proposed penalty assessments, proposed abatement, and proposed abatement dates set forth therein. Respondent denies each and every allegation of the Complaint not expressly admitted below. Respondent also specifically reserves the right to assert any additional defenses and matters in avoidance that may be disclosed during the course of additional investigation and discovery.

2) Respondent's specific responses to the allegations in the Complaint are as follows:

3) Respondent denies the allegations contained in the introductory paragraph of the Complaint.

4) Respondent admits, for jurisdictional purposes only, the allegations in Paragraph I of the Complaint.

5) Respondent admits the allegation in Paragraph II of the Complaint that it is an employer.

6) With respect to Paragraph III of the Complaint, Respondent admits it was issued three citations and that copies of those citations appear to be attached to the Complaint as Exhibit A. Respondent denies the validity of the Citations, that any violations of the Act or its regulations occurred, that the alleged violations constituted "serious," "repeated," or "other-than-serious" violations as alleged in the Complaint, and that the proposed penalties and abatement set forth therein are correct or appropriate.

7) With respect to Paragraph IV of the Complaint, Respondent denies that any violations occurred, or that the alleged violations occurred at the time, location, place, or under the circumstances alleged in Exhibit A of the Complaint.

8) To the extent Paragraph V of the Complaint alleges that Respondent timely filed a notice of intent to contest the Citation, Respondent admits the allegation in Paragraph V of the Complaint. On information and belief, the Complainant received the notice of intent to contest the Citation no later than June 5, 2015.

9) Respondent denies that the penalty proposed for the alleged violations is appropriate as alleged in Paragraph VI of the Complaint. The penalty amounts are not based upon the gravity of the violation, the good faith of the respondent, and/or the history of previous violations.

10) Respondent denies the allegations in Paragraph VII of the Complaint. The abatement dates are unreasonable in light of all known pertinent facts, including the considerations listed in Paragraph VII of the Complaint.

11) Respondent denies that the Secretary of Labor is entitled to the relief requested, including an order affirming the Citation.

12) Respondent denies each and every allegation in the Complaint not expressly and specifically admitted above.

Asserted Defenses

13) Respondent asserts the following defenses to the Complaint and Citation:

- i. The standards cited in the Complaint and Citation are impermissibly vague and do not give fair notice of the required or prohibited conduct.
- ii. There is a good faith dispute as to whether the violations alleged in the Complaint and Citation exist.
- iii. The violations alleged in the Complaint and Citation are inapplicable.
- iv. The allegations in the Complaint and Citation do not establish a past or current hazard to employees, contractors, or other personnel at the location identified in the Citation.
- v. Compliance with the standards as set forth in the Citation are, in part or in whole, infeasible, impracticable, and/or impossible.
- vi. The violations alleged in the Complaint and Citation are, in part or in whole, contrary to public policy.
- vii. The Citation, in part or in whole, lacks sufficient particularity to give Respondent notice of the alleged violations.
- viii. Compliance with the cited standards was infeasible and feasible alternative means of protection were taken or were not available.
- ix. Certain facts, practices or conditions alleged in the Complaint and Citation are *de minimis* violations, if at all, under Section 9(a) of the Act which have no direct or immediate relationship to safety and health, and no citation should have been issued, no penalties proposed, and no abatement dates established.

- x. Compliance with the standards as set forth in the Citation may create in some instances greater hazards than noncompliance.
- xi. The violations alleged in the Complaint and Citation are, in whole or in part, due to unpreventable employee misconduct.
- xii. The violations alleged in the Complaint and Citation are, in whole or in part, barred by the statute of limitations.
- xiii. The violations alleged in the Complaint and Citation are barred, in whole or in part, by the doctrine of laches.
- xiv. The cited standards do not support citation of separate violations or penalties.
- xv. Certain cited standards contain exceptions that apply to Respondent and the alleged violations.
- xvi. The Secretary of Labor's interpretations of the cited standards are unreasonable and not entitled to deference.

14) Respondent reserves the right to raise other defenses it may become aware of before or at the time of the hearing.

Prayer

15) Respondent requests the Occupational Safety and Health Review Commission dismiss the Complaint in its entirety with prejudice.

Respectfully Submitted,

/s/ Greg Dillard
Greg Dillard
Kevin Collins
Katten Muchin Rosenman LLP
1301 McKinney, Suite 3000
Houston, Texas 77010
Telephone: 713-270-3444
Facsimile: 713-270-3401
greg.dillard@kattenlaw.com
kevin.collins@kattenlaw.com

Counsel for E.I. du Pont de Nemours & Company

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of Labor,)	
United States Department of Labor,)	
)	
Complainant,	)	OSHRC Docket
	)	No. 15-1036
)	
v.)	
)	
EI DUPONT DE NEMOURS & CO, INC.	)	OSHA Inspection
And its successors,	)	No. 1008319
)	
Respondent.)	

**E.I. DU PONT DE NEMOURS & COMPANY'S DISCLOSURE OF CORPORATE
PARENTS, SUBSIDIARIES, AND AFFILIATES**

Pursuant to Occupational Safety and Health Review Commission ("OSHRC") Rule of Procedure § 2200.35, Respondent provides the following identification of all parents, subsidiaries, and affiliates:

1. Respondent does not have a corporate parent.
2. Respondent's corporate subsidiaries and affiliates include: 1811324 Ontario Limited; 3044873 Nova Scotia Company; 3281411 NOVA SCOTIA COMPANY; A/S Syntetic; Actamax Surgical Materials LLC; Agar Cross Paraguay S.A.; Agroproductos Corey S.A. de C.V.; Agroviet, S.A.; AgSurf Corporation; Agtech Products Inc.; AGVenture Inc.; Avelar, S.A.; AvidBiotics Corp.; Beijing Hua Mei Polymer Company; Beijing Kaituo DNA Biotech Research Center Co., Ltd.; Belco Technologies Corporation; Bionova Holding Corporation; Bristol Business Park Managements Limited; Butamax Advanced Biofuels, LLC; CellFor, Inc.; CEM Investments, Inc.; Charge Injection Technologies, Inc.; ChemConnect; ChemFirst Texas, Inc.; Christiana Insurance, LLC; Coastal Capacitacion y Entrenamiento, SA de CV; Coastal do Brasil Ltda.; Coastal Training Philippines, Corp.; Coastal Training Technologies Corp.; Coastal

Training Technologies India Pvt Ltd.; Coastal Training Technologies S.A. de C.V.; Comercial Agar Cross S.A.; COMETRA APS; Concord Limited Partnership; Cruz del Sur Duwest, S.A.; Cultor Oy; DANISCO (BEIJING) CULTURE CO., LTD.; DANISCO (CHINA) CO. LTD.; DANISCO (CHINA) HOLDING CO., LTD.; DANISCO (ZHANGJIAGANG) TEXTURAL INGREDIENTS CO., LTD.; Danisco Argentina S.A.; Danisco Australia Pty Limited; Danisco Austria GmbH; Danisco B.V.; Danisco B.V. (South Africa Branch); Danisco Brazil Ltda.; Danisco Canada Inc.; Danisco Centro America S.A.; Danisco Chile S.A.; Danisco Colombia Ltda.; Danisco Cultor (Switzerland) AG; Danisco Cultor Sweden AB; Danisco Cultor Trading Ltda.; Danisco Czech Republic, a.s.; Danisco Deutschland GmbH; Danisco Dis Ticaret Limited Sirketi.; Danisco Egypt Trading LLC; Danisco Flexible Brazil Ltda; Danisco France SAS; Danisco Guatemala S.A.; Danisco Holding USA Inc.; Danisco Holdings (UK) Ltd.; Danisco Holland B.V.; DANISCO INDIA PVT. LTD.; Danisco Ingredients Belgium N.V.; Danisco Italy S.p.A.; Danisco Japan Limited; Danisco Landerneau SAS; Danisco Malaysia Sdn. Bhd.; Danisco Mexicana S.A. de C.V; Danisco Mexico S.A. de C.V.; Danisco New Zealand Limited; Danisco Peru S.A.C.; Danisco Poland Sp. z.o.o; Danisco Romania S.R.L.; DANISCO SINGAPORE PTE LTD.; Danisco South Africa (Pty) Ltd.; DANISCO SWEETENERS (ANYANG) CO., LTD.; Danisco Sweeteners Oy; Danisco Switzerland AG; Danisco UK Ltd.; Danisco Ukraine LLC; Danisco US Inc.; Danisco USA Inc.; Danisco Zaandam BV; Delaware River Cooperative; Dikanka Nasinnia LLC; Doebler's Pennsylvania Hybrids, Inc; DP de Nemours Morocco SAS; DPC (Luxembourg) SARL; DPDH Verwaltungs-GmbH; DPM Holding Netherlands B.V.; DPM Netherlands B.V.; DPNL BV; Du Pont - Asahi Flash Spun Products Kabushiki Kaisha; Du Pont - Mitsui Polychemicals Company, Ltd.; Du Pont - Toray Company, Ltd.; Du Pont (Australia) PTY LTD.; Du Pont (Korea) Inc.; Du Pont (U.K.) Ltd.; Du Pont (U.K.) Trustees Limited; Du

Pont Agricultural Chemicals Ltd., Shanghai; Du Pont Apollo (Shenzhen) Limited; Du Pont Argentina S.R.L.; Du Pont Capital Management Corporation; Du Pont Chemical and Energy Operations, Inc.; Du Pont China Holding Company Ltd.; Du Pont China Limited (US); Du Pont China Limited.; Du Pont Company (Singapore) Pte Ltd.; Du Pont Conid S.p.A.; Du Pont Coordination Center N.V.; Du Pont de Colombia, S.A.; Du Pont de Nemours (Belgium) BVBA; Du Pont de Nemours (Deutschland) GmbH; Du Pont de Nemours (Nederland) B.V.; Du Pont de Nemours Development Sarl; Du Pont de Nemours Immobiliere S.A.; Du Pont de Nemours International S.A. - Slovenia Branch; Du Pont de Nemours International S.A. - Ukraine Rep Ofc; Du Pont de Nemours Italiana S.r.l.; Du Pont de Nemours Nigeria Limited; Du Pont do Brasil S.A.; Du Pont Energy Company, LLC; Du Pont Far East (Philippines Branch); Du Pont Far East (Vietnam Branch); Du Pont Far East, Inc.; Du Pont Feedstocks Company; Du Pont Finland LTD; DU PONT HOLDING NEDERLAND B.V.; Du Pont Hongji Films Foshan Co. Ltd.; Du Pont Iberica, S.L.; Du Pont Kabushiki Kaisha; Du Pont Khimprom; DU PONT MEXICANA S. DE R.L. DE C.V.; Du Pont Orient Operations Ltd.; Du Pont Overseas Operations, Inc.; Du Pont Products S.A.; Du Pont Taiwan Limited; Du Pont Teijin Advanced Papers (Asia) Limited; Du Pont Teijin Advanced Papers (Japan) Limited; Du Pont Vietnam Limited; DuBay Polymer GmbH; Dunhuang Seed Pioneer Hi-Bred Company Ltd.; Dunlena Pty. Ltd.; DuPont (Cambodia) Company Limited; DuPont (China) Research & Development and Management Co., Ltd.; DUPONT (HONG KONG) ELECTRONIC MATERIALS LIMITED; DuPont (Myanmar) Company Ltd; DuPont (New Zealand) Limited; DUPONT (SHANGHAI) ELECTRONIC MATERIALS; DuPont (Shanghai) Sourcing Center Company, Ltd.; DuPont (Shenzhen) Industrial Company Ltd.; DUPONT (SHENZHEN) MANUFACTURING LIMITED; DuPont (South America), Holdings LLC; DUPONT (TAIWAN) ELECTRONIC MATERIALS LTD;

DuPont (Thailand) Limited; DuPont (U.K.) Industrial Limited; DuPont (UK) Electronic Materials Limited; DuPont Acquisition (Luxembourg) S.A.R.L.; DuPont Acquisition, LLC; DuPont Agricultural Caribe Industries, Ltd.; DuPont Asia Pacific Limited; DuPont Asturias, S.L.; DuPont Authentication, Inc.; DuPont Belgian Capital, LLC; DuPont Belgium North America Finance Company; DuPont Beteiligungs GmbH; DuPont Brandywine LLC; DuPont Bulgaria EOOD; DuPont BVco BV; DuPont Capital Management Marketing Corporation; DuPont Chile S.A.; DuPont Cipatex S.A.; DuPont Contern (Luxembourg) SARL; DuPont Corporaciones S de RL; DuPont CZ s.r.o.; DuPont DACI Beteiligungs GmbH; Dupont Danisco Cellulosic Ethanol LLC; DuPont Danmark ApS; DuPont de Ecuador SA; DuPont De Nemours (France) S.A.S.; DuPont de Nemours (Ireland) Limited; DuPont de Nemours (Luxembourg) SARL; DUPONT DE NEMOURS (NEDERLAND) BV; DuPont de Nemours Groupe SAS; DUPONT DE NEMOURS HOLDING LLC (DUPONT DE NEMOURS HOLDING SARL); DuPont de Nemours International Sarl; DuPont de Nemours Investments SARL; DuPont de Nemours Kenya Limited; DuPont de Nemours South Africa (Pty) Ltd.; DuPont de Peru S.A.C.; DuPont Denmark Holding ApS; DuPont Deutschland Holding GmbH & Co. KG; DuPont Display Enhancements, Inc.; DuPont Displays, Inc.; DuPont Eastern Europe BV; DuPont Electronic Materials Kabushiki Kaisha; DuPont Electronic Polymers LP; DuPont Electronics Microcircuits Industries, Ltd.; DuPont Filaments - Americas, LLC; DuPont Filaments - Europe B.V.; DuPont Global Operations, Inc.; DuPont Greenleaf Trading Company; Dupont Gulf FZCO; DuPont Hellas S.A.; DuPont Hesperange (Luxembourg) SARL; DuPont Holdco Spain III, S.L.; DUPONT INDIA LIMITED; DuPont Industrial (Luxembourg) SARL; DUPONT INDUSTRIES SVERIGE AB; DuPont Integration (Luxembourg) S.A.R.L.; DuPont International (Luxembourg) SCA; DuPont International BV; DuPont International Operations Sarl; DuPont

Kazakhstan LLP; DuPont KGA B.V.; DuPont Lanka (Private) Limited; DUPONT LATIN AMERICA, INC.; DuPont Magyarország Kft; DuPont Malaysia SDN BHD; DUPONT MEXICANA, S. DE R.L. DE C.V.; DuPont Norge AS.; DuPont North America Inc.; DuPont Nutrition and Biosciences Iberica S.L.; DuPont Nutrition Biosciences ApS; DUPONT NUTRITION FOOD INGREDIENTS (BEIJING) COMPANY, LIMITED; DUPONT OCP OPERATIONS CONSULTING S.A.; DuPont Operations (Luxembourg) SARL; DuPont Operations Italia S.r.L.; DuPont Operations Worldwide, Inc.; DUPONT OPERATIONS, INC.; DuPont Operations, Inc. (Luxembourg) Branch; DuPont Pakistan Operations (Pvt.) Limited; DuPont Performance Coatings LA I Holding BV; DuPont Performance Elastomers Ltd.; DuPont Performance Elastomers Sarl; DuPont Pioneer Egypt Holding BV; DuPont Pioneer Investment Co.,Ltd.; DuPont Poland Sp z.o.o.; DuPont Polimeros Ltda.; DuPont Portugal Unipessoal LDA; DuPont Products (Luxembourg) SARL; DuPont Properties (Luxembourg) S.A.R.L.; Dupont Protein Technologies Internal Sales LLC t/a Solac; DuPont Protein Technologies International Sales, LLC; DuPont Quimica de Venezuela, C.A.; DuPont Romania S.R.L.; DuPont S.A. de C.V.; DUPONT SAUDI ARABIA LLC; DuPont Scandinavia GmbH; DuPont Science (Luxembourg) SARL; DuPont Science and Technologies LLC; DuPont Shineway Luohe Food Company Limited; DuPont Shineway Luohe Protein Company Limited; DuPont Slovakia s.r.o.; DuPont Solutions (France) SAS; DuPont Solutions (Luxembourg) SARL; DUPONT SOLUTIONS (LUXEMBOURG) SARL - SWISS BRANCH FINANCIAL SERVICES; DUPONT SOUTH AFRICA HOLDCO (PTY) LTD; DuPont SRB d.o.o. Beograd; DuPont Surfaces (Guangzhou) Co., Ltd.; DUPONT SVERIGE AB; DuPont Tate & Lyle Bio Products Company, LLC; DuPont Technologies Holding Company, Inc.; DuPont Technology (Luxembourg) S.a.r.l.; DuPont Teijin Films China Ltd.; DuPont Teijin Films Luxembourg SA;

DuPont Teijin Films Netherlands BV; DuPont Teijin Films U.K. Limited; DuPont Teijin Films U.S., Limited Partnership; DuPont Teijin Hongji Films Ningbo Co., Ltd.; DuPont Textiles & Interiors Delaware, Inc.; DuPont Trading (Shanghai) Co., Ltd.; DuPont Türkiye Kimyasal Ürünler Sanayi ve Ticaret Anonim Şirketi; DuPont Ukraine LLC; DuPont Xingda Filaments Company Limited; DuPont Zhengzhou Protein Company Limited; DuPont-MRC Company, Ltd.; Duwest Colombia S.A.S.; Duwest Costa Rica, S.A.; Duwest Dominicana, S.R.L.; Duwest El Salvador, S.A.; Duwest Guatemala, S.A.; Duwest Honduras, S.A.de CV; Duwest Nicaragua, S.A.; DuWest, Inc.; E. I. du Pont Canada Company; E. I. du Pont de Nemours and Company; E. I. DuPont Bangladesh Liaison Office; E. I. DUPONT CANADA - THETFORD INC.; E. I. DuPont Services Center India Private Limited; E.I. Du Pont India Private Limited; EKC Technology Limited; EKC Technology, Inc.; Electronic Materials Du Pont Dongguan Ltd; ELEMICA Holdings Ltd.; Enablece Technologies Inc.; Eurotec SPRL; Eyal SA; Farms Technology, LLC.; FBSCIENCES HOLDING, INC; FCC Acquisition Corporation; Finnfeeds Finland Oy; Finnfeeds Oy; Gas Natural Caxitlan, S. de R.L. de C.V.; Gemeinnützige Wohnungsbaugesellschaft GmbH; Genencor (China) Bio-Products Co., Ltd.; Genencor International Cayman Ltd.; Genencor International OY; Genencor International Wisconsin, Inc.; Genencor International, B.V.; Genencor International, BVBA; Genencor Mauritius Ltd.; GOINDUSTRY AG; Grainfield Limited; Green Meadows Ltd.; Griffin L.L.C. Valdosta, Georgia; HaiXu BioMaterials Co., Ltd.; HD MicroSystems GmbH; Hexima Limited; Hickory Holdings, Inc.; Hickory Securities, LLC; Hitachi Chemical DuPont MicroSystems L.L.C.; Hitachi Chemical DuPont MicroSystems Ltd.; Hoegemeyer Hybrids Inc.; Howson Algraphy BV; Imperial Metal & Chemical Company; Innovalight Inc.; Innovation Ingredients (Proprietary) Limited; Inversiones INSG, C.A; Kingston Research Limited; Luminari, Inc.; Magellan Systems

International, L.L.C.; MapShots, Inc.; Maruwa Biochemical Co., Ltd.; MECS Chemical Plants Equipment (Shanghai) Co. Ltd; MECS Comercio de Produtos, Maquinas e Equipamentos Ltda; MECS Europe/Africa BVBA; Mecs Europe/Africa Incorporated in Belgium; MECS Far East Ltd.; MECS Inc.; MECS India Private Limited; MECS International Holding, Sarl; MECS Sulfox BVBA; Misr Pioneer Seed Company SAE; MTI Microfuel Cells Inc.; Nanocomp Technologies, Inc.; Neptune Environmental Technologies, Inc.; New Asia Holdco B.V.; Newwater Insurance Ltd.; NextGen Enabling Technologies Fund, L.P.; NGEN II, L.P.; NuTech Seed LLC; Optimum Quality Grains LLC; P.T. Indonesia Teijin DuPont Films; Pannar Industrial Holdings (pty) Ltd. (South Africa); Pannar International (Pty) Ltd. (South Africa); Pannar Ltd.(UK); Pannar Properties Zambia Limited; Pannar Research Farms (Pty) Ltd. (South Africa); Pannar Seed (Pty) Ltd. (South Africa); Pannar Seed (Pvt) Ltd. – Zimbabwe; Pannar Seed (Swaziland) Ltd.; Pannar Seed BV (Netherlands); Pannar Seed Holdings (Pty) Ltd. (South Africa); Pannar Seed Inc. – USA; Pannar Seed Kenya Ltd.; Pannar Seed Lesotho (Pty) Ltd.; Pannar Seed Ltda Mozambique; Pannar Seed Malawi Ltd.; Pannar Seed Tanzania Ltd.; Pannar Seed Zambia Ltd.; Pannar Semillas SRL (Argentina); PD Glycol Ltd.; Permatex Italia S.r.l.; PHI Financial Services Canada Limited; PHI Financial Services, Inc.; PHI Insurance Services, Inc.; PHI Mexico S.A. de C.V.; PHI Seeds Ltd.; PHI SERVICIOS S. DE R.L. DE C.V.; PhPhilippines Holdings, Inc.; Pioneer Agro Servicios Chile Ltda.; Pioneer Argentina, S.R.L.; Pioneer Ble Sarl; Pioneer China Business Trust; Pioneer DuPont Zambia Limited; Pioneer EcoScience Ltd.; Pioneer Genetique S.A.R.L.; Pioneer Hi-Bred (Thailand) Limited; Pioneer Hi-Bred (Zimbabwe) (Private) Limited; Pioneer Hi-Bred Agro Servicios Spain SL; Pioneer Hi-Bred Australia Pty Ltd.; Pioneer Hi-Bred Canada Holdings Limited; Pioneer Hi-Bred Europe Inc.; Pioneer Hi-Bred Foundation; Pioneer Hi-Bred FSC Limited; Pioneer Hi-Bred Holding Spain, SRL; Pioneer Hi-

Bred International Production Limited; Pioneer Hi-Bred International, Inc.; Pioneer Hi-Bred Italia Sementi SRL; Pioneer Hi-Bred Italia Servizi Agronomici SRL; Pioneer Hi-Bred Italia SRL; Pioneer Hi-Bred Japan Co., Ltd.; Pioneer Hi-Bred Kenya Limited; Pioneer Hi-Bred Limited (Canada); Pioneer Hi-Bred Magyarorszag Kft; Pioneer Hi-Bred Northern Europe Sales Division GMBH; Pioneer Hi-Bred Northern Europe Services Division GMBH; Pioneer Hi-Bred Philippines, Inc.; Pioneer Hi-Bred Production, Limited; Pioneer Hi-Bred Production, LP; Pioneer Hi-Bred Proizvodnja d.o.o.; Pioneer Hi-Bred Puerto Rico, Inc.; PIONEER HI-BRED PVT LTD; Pioneer Hi-Bred R.S.A. (Pty) Ltd.; Pioneer Hi-Bred Research R.S.A. (Pty.) Ltd.; Pioneer Hi-Bred Romania S.R.L.; Pioneer Hi-Bred Rus Limited; Pioneer Hi-Bred S.A.R.L.; Pioneer Hi-Bred Seeds Agro SRL; Pioneer Hi-Bred Seeds Ethiopia P.L.C; Pioneer Hi-Bred Sementes de Portugal, SA; Pioneer Hi-Bred Services GmbH; Pioneer Hi-Bred Slovensko s.r.o.; Pioneer Hi-Bred Spain, S.L.; Pioneer Hi-Bred SRB, LLC.; Pioneer Hi-Bred Switzerland S.A.; Pioneer Hi-Bred Termelo es Szolg Zrt.; PIONEER HI-BRED UKRAINE; PIONEER HI-BRED VIETNAM LIMITED; Pioneer Hybrid Hellas; Pioneer Mexico Holdings LLC; Pioneer Mexico Operations, S. de R.L. de C.V.; Pioneer Overseas Corporation; Pioneer Overseas Corporation (Belgium Branch); Pioneer Overseas Corporation (Egypt); Pioneer Overseas Corporation (Hong Kong) Holdings No1 Limited; Pioneer Overseas Corporation (Hong Kong) Limited; Pioneer Overseas Corporation (Hong Kong) Holdings No2 Limited; Pioneer Overseas Corporation (Kenya); Pioneer Overseas Corporation (Singapore) PTE.LTD; Pioneer Overseas Corporation (Zimbabwe); Pioneer Overseas Investors, L.L.C.; Pioneer Overseas Research Corporation; Pioneer Pakistan Seed Limited; Pioneer Sales & Distribution LLC; Pioneer Seed Holding Nederland B.V.; Pioneer Seed Holding Participations BV; Pioneer Seeds Inc.; Pioneer Semena Bulgaria EOOD; Pioneer Semena Holding GmbH; Pioneer Semences SAS; Pioneer Service

Holding BV; Pioneer sjeme d.o.o.; Pioneer Tohumculuk Anonim Sirketi; PIONEER TOHUMCULUK DAGITIM VE PAZARLAMA LTD. STI; Pioneer Turks & Caicos, LLC; Pitt-Consol Chemical Company; PNR Enterprises (Pvt.) Ltd. – Zimbabwe; Pointer Specialty Chemicals, LLC; PowerMetal Technologies, Inc.; Primaxis Technology Ventures Inc.; Protein Technologies International - Development LLC; Protein Technologies International Asia Pacific, LLC; Protein Technologies International Do Brazil Ltda.; Protein Technologies International Europe, LLC; psiloQuest, Inc.; PT Du Pont Agricultural Products Indonesia; PT DuPont Indonesia; RAPID, Inc.; REMO, Inc.; SD Flex Co., Ltd.; Seed Consultants, Inc.; Semillas Pioneer Chile Ltda.; Semillas Pioneer de Venezolanos C.A.; Shandong Denghai Pioneer Seed Company Limited; Solae (UK), Limited; Solae Argentina S.A; Solae Australia PTY Limited; Solae Belgium N.V.; Solae Company India Private Limited; Solae de Mexico S.A. de C.V.; Solae Denmark A/S; Solae Deutschland GmbH; SOLAE DO BRASIL HOLDINGS LTDA.; Solae Do Brasil Industria E Comercio De Alimentos Ltda.; Solae Europe S.A.; Solae France SAS; Solae Holdings LLC; Solae Investimentos Ltda.; Solae Italia Srl; Solae L.L.C.; Solae Overseas B.V.; Solae Trading (Shanghai) Company Ltd.; Sporting Goods Properties Inc.; Stasi Nasinnia LLC; TAXON BIOSCIENCES, INC.; TDFJ Taiwan Limited; Teijin Du Pont Films, Inc.; Teijin DuPont Films Japan Limited; Teijin Film Products Co., Ltd.; Teijin Gifu Kosan Limited; Terral Seed, Inc.; TFI/EP, LLC; The Advantage Corporation; Three Diamonds Trading 304 (Pty) Ltd (Research Solutions); Tieling Pioneer Seed Research Co., Ltd.; T-Import LLC; Venezuelan Protein Technologies International; Verdia LLC; Village Court, Inc.; Vivergo Fuels Limited; Wilton Asset Management, LLC; Xylem Seeds Private Limited; Ydernaes 1 A/S; Yet2.com, Inc.; and ZAO Danisco.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and Disclosure of Corporate Parents, Subsidiaries, and Affiliates was served this 14th day of August, 2015, upon all parties by mailing a true copy thereof by First Class Mail to:

M. Patricia Smith
James E. Culp
Madeleine T. Le
Josh Bernstein

U.S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone: 972-850-3100
Facsimile: 972-850-3101

Attorneys for Complainant

Roy Reed
President
ICWUC Local # 900C
2821 Hickory Limb Ct.
League City, TX 77573

John S. Morawetz
Safety and Health Specialist
ICWUC Health and Safety
Department
329 Race Street
Cincinnati, OH 45202

/s/ Greg Dillard
Greg Dillard

Exhibit 1

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of)	
Labor, United States Department)	
of Labor)	
)	
Complainant,)	
v.)	
	)	OSHRC Docket No. 15-1036
EI DUPONT DE NEMOURS & CO, INC.)	
and its Successors,)	
	)	Inspection No. 1008319
Respondent.)	

COMPLAINT

An inspection has disclosed that, at the times and in the manner hereinafter stated, the provisions of Section 5(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651, *et seq.*, hereinafter referred to as the Act, have been violated. It is, therefore, alleged and charged that:

I.

Jurisdiction of this proceeding is conferred upon the Occupational Safety and Health Review Commission, hereinafter referred to as the Commission, by Section 10(c) of the Act, 29 U.S.C. § 659(c).

II.

Respondent is an employer engaged in a business affecting commerce within the meaning of Section 3(5) of the Act, 29 U.S.C. § 652(5).

III.

As a result of an inspection at respondent's workplace by an authorized representative of complainant, respondent was issued three (3) citations for repeat, serious and other-than-serious violations pursuant to Section 9(a) of the Act. The repeat violation is also serious within the meaning of Section 17(k) of the Act. The violations are set forth in the attached citation marked as Exhibit A and adopted by reference pursuant to 29 C.F.R. § 2200.30(d).

IV.

Exhibit A states with particularity the time, location, place, and circumstances of such alleged violations.

V.

On June 5, 2015 complainant received from respondent a notice of intent to contest the aforesaid citation pursuant to the provisions of § 10(c) of the Act.

VI.

The penalty proposed for the violations set forth in Exhibit A is appropriate within the meaning of § 17(j) of the Act, giving due consideration to the size of the business, the gravity of the violation, the good faith of the respondent, and the history of previous violations.

VII.

The period for abatement of the alleged violation is based upon a consideration of all known pertinent facts. Considerations useful to arriving at an abatement date include (1) the gravity of the alleged violation, (2) the availability of needed equipment, material, and/or personnel, (3) the time required for delivery, installation, modification of construction, and (4) training of personnel.

WHEREFORE PREMISES CONSIDERED, Complainant demands the Commission issue an order pursuant to Section 10(c) of the Act, 29 U.S.C. § 659(c), affirming the citation.

U. S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone (972) 850-3100
Facsimile (972) 850-3101

RSOL Case No. 0660-15-00861

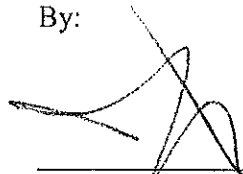
Respectfully Submitted,

M. PATRICIA SMITH
Solicitor of Labor

JAMES E. CULP
Regional Solicitor

MADELEINE T. LE
Counsel for Occupational Safety & Health

By:

A handwritten signature in dark ink, appearing to read "Josh Bernstein", is written over a horizontal line.

JOSH BERNSTEIN
Trial Attorney


Attorneys for Complainant.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Complaint was served upon the attorney of record of all parties, as shown by the letter of transmittal incorporated herein by reference, by depositing the same in the United States mail in an envelope addressed to such parties' or attorney's last known address:

Mark L. Farley
KATTEN MUCHIN ROSENMAN
1301 McKinney Street
Suite 3000
Houston, TX 77010-3033
mark.farley@kattenlaw.com
phone - 713-270-3434
fax - 713-583-1953

Signed this 20 day of July, 2015.



JOSH BERNSTEIN
Trial Attorney

NOTICE TO RESPONDENT/EMPLOYER

You are hereby notified that you must file an answer to this complaint proposing penalty, in which you include a plain and concise statement of the reasons you have contested each of the violations cited in the complaint proposing penalty, whether you admit that a violation occurred, and whether you request a hearing. Such answer must be filed with the Occupational Safety and Health Review Commission, within 20 days from the date of service of this complaint proposing penalty. See the Commission's rules at 29 C.F.R. § 2200.34(b)(1). A copy of your answer must be sent to the Office of the Solicitor, at the address appearing above. Failure to file an answer may result in default being entered against you on this petition, under 29 C.F.R. § 2200.101(a).

U.S. Department of Labor

Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



Citation and Notification of Penalty

To:
E.I. DUPONT DE NEMOURS & CO., INC.
and its successors
P.O. BOX 347
La Porte, TX 77572

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015

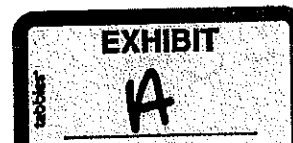
Inspection Site:
12501 Strang Road
La Porte, TX 77572

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have been abated on or about the date(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).



If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/14/2015. The conference will be held by telephone or at the OSHA office located at 17625

El Camino Real, Suite 400, Houston, TX 77058 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1008319

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572
Issuance Date: 05/14/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 17625 El Camino Real, Suite 400, Houston, TX 77058**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(i)(B): Process safety information pertaining to the equipment in the process did not include the piping and instrument diagrams (P&IDs):

On November 15, 2015 and at times prior thereto, Piping and instrument diagrams such as, but not limited to the following, were inaccurate or incomplete:

- a) Piping and Instrument Diagram (P&ID) W363900 Railcar Spot 1A2, the Nitrogen Rupture Disc (RD) set pressures differ in the field from what is reflected on the P&ID.
- b) Piping and Instrument Diagram (P&ID) W117396 Railcar Spot 1A4, the Nitrogen Rupture Disc (RD) set pressures differ in the field from what is reflected on the P&ID.
- c) Piping and Instrument Diagram (P&ID) W1173976, line 11965 reflects that it vents to the MIC Incinerator instead of the NRS.
- d) Piping and Instrument Diagram (P&ID) W363888, line 2822 reflects G82K as being plugged, but it has been modified.
- e) Piping and Instrument Diagram (P&ID) W363888, line 2817 reflects G32K with a blind flange, but it has been modified.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.119(e)(1): The process hazard analysis was not appropriate to the complexity of the process and did not identify, evaluate, and control the hazards involved in the process:

On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, the employer:

- a) Did not identify, evaluate and control hazards that workers are exposed to when engineering controls such as the ventilation fans of the Lannate/API manufacturing building are out of service.
- b) Did not identify, evaluate and control the hazards that could lead to loss of containment and or process upset, resulting from draining low point bleeds on the MeSH vent header to atmosphere, on the 3rd floor of the Lannate Building.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 2 b Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(iii): The process hazards analysis did not address Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors.);

a) On November 15, 2015 and at times prior thereto and times subsequent thereto, at the DuPont facility in La Porte, TX, the employer did not have a MeSH alarm detection system located at or on the 3rd floor of the Lannate/API Manufacturing Building that would provide employees with an early warning of a release.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/18/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.119(f)(1)(ii)(B): The employers written operating procedures covering operating limits did not address the steps required to correct deviations:

-In the Alternative-

29 CFR 1910.119(J)(2): The employer did not establish and implement written procedures to maintain the on-going integrity of process equipment as required.

a) On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, the employer did not develop and implement written procedures to correct/address pluggage in the lines of the Mesna system.

b) On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, the employer did not develop and implement written procedures to correct/address pluggage in the lines of the MeSH system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.119(f)(4): The employer did not develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, the employer did not implement safe work practices to provide for the control of hazards during the opening of process equipment or piping in the following instances:

- a) Opening the drain lines on vent header at or near 18HV
- b) Swapping and draining the flame arrestors on the NOx Reduction System (NRS)

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/18/2015
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.119(j)(5): Equipment deficiencies. The employer did not correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in paragraph (d) of this section) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

On November 15, 2015 and at times prior thereto, in the Lannate/API building of the DuPont facility in La Porte, Texas the employer did not repair the ventilation fans in a timely manner and did not implement measures to ensure safe entry and operation of processes in the building that rely on the ventilation for safety:

a) Wet end ventilation fan was out of service and the affected section of the building was not restricted - chemicals continued to be brought into the building, operation of processes continued, line openings in the building continued, and adjustments were not made to ensure it would be safe for personnel entry.

b) Damp end ventilation fan was out of service and the affected section of the building was not restricted - chemicals continued to be brought into the building, operation of processes continued and adjustments were not made to ensure it would be safe for personnel entry.

Hazard Assessment, Hazard Recognition training

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 6 a Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer did not establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process.

On or about November 15, 2014 and at times prior to, at the E.I. DuPont facility in La Porte, Texas the employer did not implement its change of design (COD) procedure to manage changes when:

- a) Changes were made to the Mercaptan vent piping on the third floor of the Lannate/API Building.
- b) The 1A2 railcar spot was used to route liquid Mercaptan from the storage tank to the vent and nitrogen header system.
- c) The 1A4 railcar spot was used to route liquid Mercaptan from the storage tank to the vent and nitrogen header system.
- d) Operation of the process changed and the Low points around the 18HV were used to drain fluids from the Mercaptan vent header while process is running and the vent is not isolated from the process.
- e) Did not follow the ventilation fan operating procedure to restrict access to the Lannate/API building when the wet end ventilation fan was not operating.
- f) Did not follow the ventilation fan operating procedure to restrict access to the Lannate/API building when the dry end ventilation fan was not operating.
- g) The safety interlock at the 1185HV was bypassed.
- h) The safety interlock at the 1152FV was bypassed.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1910.119(l)(4): Process safety information required by paragraph (d) of this section was not updated when a change covered by this paragraph resulted in a change in the process safety information.

On or about November 15, 2014 and at times prior to, the employer did not update its piping and instrumentation diagram W1722137 to show the piping modification for the Change of Design (TCOD 2011-51) when piping was modified to route a drain line from the AAO vent header to the MIC Caustic Scrubber.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/18/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.134(c)(1)(vii) The employer failed to train employees in the respiratory hazards to which they are potentially exposed during routine situations;

On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, The employer did not ensure employees were trained to recognize the respiratory hazards they were exposed to while opening low point drains on the NRS/ Mesh vent header.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.165(b)(1): The employee alarm system did not provide warning for reaction time for safe escape of employees from the workplace or the immediate work area, or both.

On November 15, 2015 and at times prior thereto, at the DuPont facility located in La Porte, TX, the employer did not ensure that the employee alarm system provided warning for reaction time for safe escape from the Lannate/API Manufacturing Building.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$7000.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 9 a Type of Violation: **Serious**

29 CFR 1910.1000(a)(1): Employee(s) were exposed to an airborne concentration of Methyl Mercaptan listed in Table Z-1 in excess of the ceiling concentration of 10 ppm:

On or about November 15, 2015 and at times prior thereto, in the Lannate/API building of the DuPont facility in La Porte, Texas, employees were exposed to airborne concentrations of Methyl Mercaptan while opening bleed valves on a relief header:

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 1 Item 9 b Type of Violation: **Serious**

29 CFR 1910.1000(e): Administrative or engineering controls were not used and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d). When such controls were not feasible/available to achieve full compliance, protective equipment or any other protective measures were not used to keep the exposure of employees to air contaminants within the limits prescribed:

On or about November 15, 2015 and at times prior thereto, in the Lannate/API building of the DuPont facility in La Porte, Texas, the employer failed to implement adequate engineering and administrative measures and/or take any other protective measures to keep the exposure of employees to air contaminants within the limits prescribed:

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/01/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1910.119(g)(1)(i): Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, was not trained in an overview of the process and in the operating procedures as specified in paragraph (f) of this section. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.

a) On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, The employer did not train employees on the written operating procedure for the Lannate/API/MIC building ventilation fans ("Building Ventilation System Function of Operation") and all safe work practices that needed to be employed in the event they were not operational.

b) On November 15, 2015 and at times prior thereto, at the DuPont facility in La Porte, TX, The employer failed to train employees on the safe work practices for draining Low Point Drains located near the 18HV, and did not ensure employees followed line opening and MSS procedures.

E.I. DuPont De Nemours & Company was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1910.119(g)(1)(i) which is contained in OSHA Inspection Number 313371924, Citation Number 1 Item 5, issued on July 19, 2010 with respect to a workplace located at 901 West DuPont Ave, Belle, WV. This file became Final Order on August 24, 2010.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/18/2015
\$35000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1008319
Inspection Date(s): 11/15/2014 - 05/14/2015
Issuance Date: 05/14/2015



Citation and Notification of Penalty

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

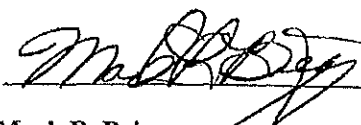
29 CFR 1910.119(h)(2)(vi): The employer shall maintain a contract employee injury and illness log related to the contractor's work in process areas.

On or about November 15, 2014, at the DuPont facility in La Porte, TX, the employer did not provide copies of the Injury and Illness Logs for their contractors.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/01/2015
\$1000.00


Mark R. Briggs
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
17625 El Camino Real
Suite 400
Houston, TX 77058
Phone: 281-286-0583 Fax: 281-286-6352



INVOICE / DEBT COLLECTION NOTICE

Company Name: E.I. DUPONT DE NEMOURS & CO., INC.
Inspection Site: 12501 Strang Road, La Porte, TX 77572
Issuance Date: 05/14/2015

Summary of Penalties for Inspection Number	1008319
Citation 1, Serious	\$63000.00
Citation 2, Repeat	\$35000.00
Citation 3, Other-than-Serious	\$1000.00
TOTAL PROPOSED PENALTIES	\$99000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.


Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


Mark R. Briggs

Area Director


Date

From: [Pearson, Evan](#)
To: [Haas, Craig](#)
Cc: [Hensley, Dave](#); [Tates, Samuel](#)
Subject: FW: DuPont LaPorte inspection
Date: Wednesday, October 28, 2015 2:32:00 PM
Attachments: [InspRptAirDuPontLaPorte20141215.pdf](#)

Here is a copy of the inspection report. The Region has also drafted a CAA 114 letter, which is in concurrence.

From: [Tates, Samuel](#)
Sent: Wednesday, October 28, 2015 2:24 PM
To: [Hensley, Dave](#); [Pearson, Evan](#)
Subject: FW: DuPont LaPorte inspection
Can we get a copy to Craig, thanks
Samuel Tates, Chief
Surveillance Section
Compliance Assurance and Enforcement Division (6EN-AS)
tates.samuel@epa.gov
(214) 665-2243 voice
(214) 665-7447 fax

From: [Haas, Craig](#)
Sent: Wednesday, October 28, 2015 11:32 AM
To: [Tates, Samuel](#)
Subject: DuPont LaPorte inspection

Sam, would you send me a copy of the report for the inspection the Region did at LaPorte? The CSB interim investigation came out and we'd like to match what you saw against what they did.

Thanks,
Craig

Katten

KattenMuchinRosenman LLP

1301 McKinney Street,
Suite 3000
Houston, TX 77010-3033
713.270.3400 tel
www.kattenlaw.com

GREG DILLARD
greg.dillard@kattenlaw.com
713.270.3444 direct
713.270.3401 fax

September 3, 2015

Via Facsimile and Mail Delivery

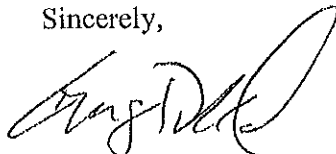
Hon. Sharon Calhoun
Occupational Safety & Health Review Commission
100 Alabama Street SW
Bldg. 1924; Rm 2R90
Atlanta, GA 30303-3104

**Re: Thomas E. Perez, Secretary of Labor, United States Department of Labor,
Complainant, v. EI DuPont de Nemours & Co, Inc., and Its Successors,
Respondent; OSHRC Docket No. 15-1283; OSHA Inspection No. 1019650.**

Dear Judge Calhoun:

Please find E.I. du Pont de Nemours and Company's Original Answer to be filed on behalf of E.I. du Pont de Nemours & Company in the above-captioned case. This document was also transmitted by fax to the Executive Secretary's office on September 3, 2015, using the fax number (404) 562-1650.

Sincerely,



Greg Dillard

Enclosures

AUSTIN CENTURY CITY CHARLOTTE CHICAGO HOUSTON IRVING LOS ANGELES
NEW YORK ORANGE COUNTY SAN FRANCISCO BAY AREA SHANGHAI WASHINGTON, DC

LONDON: KATTEN MUCHIN ROSENMAN UK LLP

A limited liability partnership including professional corporations

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of Labor,)	
United States Department of Labor,)	
)	
Complainant,	)	OSHRC Docket No. 15-1283
)	
v.)	
)	
EI DUPONT DE NEMOURS & CO, INC.	)	OSHA Inspection No. 1019650
And its successors,)	
)	
Respondent.)	

E.I. DU PONT DE NEMOURS & COMPANY'S ORIGINAL ANSWER

E.I. du Pont de Nemours & Company ("Respondent") files this Answer to the Secretary of Labor's Complaint, filed on August 14, 2015, ("Complaint") and the associated Citation and Notification of Penalty for Inspection No. 1019650, issued on July 9, 2015 ("Citation"). A copy of the Complaint is attached as Exhibit 1.

Answer to the Complaint

1) Respondent contests all aspects, sub-items, and descriptions of the alleged violations set forth in the Complaint and Citation, as well as all of the proposed classifications, proposed penalty assessments, proposed abatement, and proposed abatement dates set forth therein. Respondent denies each and every allegation of the Complaint not expressly admitted below. Respondent also specifically reserves the right to assert any additional defenses and matters in avoidance that may be disclosed during the course of additional investigation and discovery.

2) Respondent's specific responses to the allegations in the Complaint are as follows:

3) Respondent denies the allegations contained in the introductory paragraph of the Complaint.

4) Respondent admits, for jurisdictional purposes only, the allegations in Paragraph I of the Complaint. To the extent Paragraph I contains or implies allegations relating to the validity of the Citation, Respondent denies the validity of the Citation and denies any violations of the Occupational Safety and Health Act of 1970 ("Act") occurred.

5) Respondent admits the allegation in Paragraph II of the Complaint that it is an employer.

6) With respect to Paragraph III of the Complaint, Respondent admits it was issued three citations and that copies of those citations appear to be attached to the Complaint as Exhibit A. Respondent denies the validity of the Citations, that any violations of the Act or its regulations occurred, that the alleged violations constituted "serious," "repeated," or "other-than-serious" violations as alleged in the Complaint, and that the proposed penalties and abatement set forth therein are correct or appropriate.

7) With respect to Paragraph IV of the Complaint, Respondent denies that any violations occurred, or that the alleged violations occurred at the time, location, place, or under the circumstances alleged in Exhibit A of the Complaint.

8) To the extent Paragraph V of the Complaint alleges that Respondent timely filed a notice of intent to contest the Citation, Respondent admits the allegation in Paragraph V of the Complaint. Respondent served its notice of intent to contest the Citation via Federal Express and electronic mail on July 22, 2015. The Complainant received the notice of intent to contest the Citation via Federal Express no later than July 23, 2015.

9) Respondent denies that the penalty proposed for the alleged violations is appropriate as alleged in Paragraph VI of the Complaint. The penalty amounts are not based upon the gravity of the violation, the good faith of the respondent, and/or the history of previous violations.

10) Respondent denies the allegations in Paragraph VII of the Complaint. The abatement dates are unreasonable in light of all known pertinent facts, including the considerations listed in Paragraph VII of the Complaint.

11) Respondent denies that the Secretary of Labor is entitled to the relief requested, including an order affirming the Citation.

12) Respondent denies each and every allegation in the Complaint not expressly and specifically admitted above.

Asserted Defenses

13) Respondent asserts the following defenses to the Complaint and Citation:

- i. The standards cited in the Complaint and Citation, in whole or in part, are impermissibly vague and do not give fair notice of the required or prohibited conduct.
- ii. There is a good faith dispute as to whether the violations alleged in the Complaint and Citation exist.
- iii. The violations alleged in the Complaint and Citation are inapplicable.
- iv. The allegations in the Complaint and Citation do not establish a past or current hazard to employees, contractors, or other personnel at the location identified in the Citation.
- v. Compliance with the standards as set forth in the Citation are, in part or in whole, infeasible, impracticable, and/or impossible.
- vi. The violations alleged in the Complaint and Citation are, in part or in whole, contrary to public policy.
- vii. The Citation, in part or in whole, lacks sufficient particularity to give Respondent notice of the alleged violations.

- viii. Compliance with the cited standards was infeasible and feasible alternative means of protection were taken or were not available.
- ix. Certain facts, practices or conditions alleged in the Complaint and Citation are *de minimis* violations, if at all, under Section 9(a) of the Act which have no direct or immediate relationship to safety and health, and no citation should have been issued, no penalties proposed, and no abatement dates established.
- x. Compliance with the standards as set forth in the Citation may create in some instances greater hazards than noncompliance.
- xi. The violations alleged in the Complaint and Citation are, in whole or in part, due to unpreventable employee misconduct.
- xii. The violations alleged in the Complaint and Citation are, in whole or in part, barred by the statute of limitations.
- xiii. The violations alleged in the Complaint and Citation are barred, in whole or in part, by the doctrine of laches.
- xiv. The cited standards do not support citation of separate violations or penalties.
- xv. Certain cited standards contain exceptions that apply to Respondent and the alleged violations.
- xvi. The Secretary of Labor's interpretations of the cited standards are unreasonable and not entitled to deference.
- xvii. The Complaint was not filed within the time requirements of 29 C.F.R. § 2200.34(a)(1), which requires the Secretary of Labor to "file a complaint with the Commission no later than 20 days after receipt of the notice of contest." Complainant received an electronic copy of Respondent's notice of contest on July 22, 2015, and a physical copy on July 23, 2015. However, the Complaint was not filed until August 14, 2015, twenty-two (22) days after Complainant received a physical copy of Respondent's notice of contest. The Complainant did not seek an extension, nor did it file a motion seeking leave to file its Complaint after the deadline.

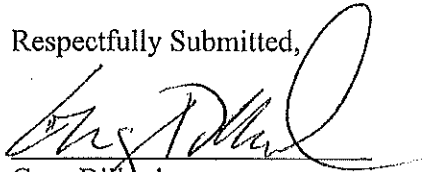
14) Respondent reserves the right to raise other defenses it may become aware of before or at the time of the hearing.

Prayer

15) Respondent requests the Occupational Safety and Health Review Commission dismiss the Complaint in its entirety with prejudice.

Dated: September 3, 2015

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Greg Dillard", written over a horizontal line.

Greg Dillard

Kevin Collins

Katten Muchin Rosenman LLP

1301 McKinney, Suite 3000

Houston, Texas 77010

Telephone: 713-270-3444

Facsimile: 713-270-3401

greg.dillard@kattenlaw.com

kevin.collins@kattenlaw.com

Counsel for E.I. du Pont de Nemours & Company

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMAS E. PEREZ, Secretary of Labor,)	
United States Department of Labor,)	
)	
Complainant,	)	OSHRC Docket No. 15-1283
)	
v.)	
)	
EI DUPONT DE NEMOURS & CO, INC.	)	OSHA Inspection No. 1019650
And its successors,)	
)	
Respondent.)	

**E.I. DU PONT DE NEMOURS & COMPANY'S DISCLOSURE OF CORPORATE
PARENTS, SUBSIDIARIES, AND AFFILIATES**

Pursuant to Occupational Safety and Health Review Commission ("OSHRC") Rule of Procedure § 2200.35, Respondent provides the following identification of all parents, subsidiaries, and affiliates:

1. Respondent does not have a corporate parent.
2. Respondent's corporate subsidiaries and affiliates include: 1811324 Ontario Limited; 3044873 Nova Scotia Company; 3281411 NOVA SCOTIA COMPANY; A/S Syntetic; Actamax Surgical Materials LLC; Agar Cross Paraguaya S.A.; Agroproductos Corey S.A. de C.V.; Agroviet, S.A.; AgSurf Corporation; Agtech Products Inc.; AGVenture Inc.; Avelar, S.A.; AvidBiotics Corp.; Beijing Hua Mei Polymer Company; Beijing Kaituo DNA Biotech Research Center Co., Ltd.; Belco Technologies Corporation; Bionova Holding Corporation; Bristol Business Park Managements Limited; Butamax Advanced Biofuels, LLC; CellFor, Inc.; CEM Investments, Inc.; Charge Injection Technologies, Inc.; ChemConnect; ChemFirst Texas, Inc.; Christiana Insurance, LLC; Coastal Capacitacion y Entrenamiento, SA de CV; Coastal do Brasil Ltda.; Coastal Training Philippines, Corp.; Coastal Training Technologies Corp.; Coastal

Training Technologies India Pvt Ltd.; Coastal Training Technologies S.A. de C.V.; Comercial Agar Cross S.A.; COMETRA APS; Concord Limited Partnership; Cruz del Sur Duwest, S.A.; Cultor Oy; DANISCO (BEIJING) CULTURE CO., LTD.; DANISCO (CHINA) CO. LTD.; DANISCO (CHINA) HOLDING CO., LTD.; DANISCO (ZHANGJIAGANG) TEXTURAL INGREDIENTS CO., LTD.; Danisco Argentina S.A.; Danisco Australia Pty Limited; Danisco Austria GmbH; Danisco B.V.; Danisco B.V. (South Africa Branch); Danisco Brazil Ltda.; Danisco Canada Inc.; Danisco Centro America S.A.; Danisco Chile S.A.; Danisco Colombia Ltda.; Danisco Cultor (Switzerland) AG; Danisco Cultor Sweden AB; Danisco Cultor Trading Ltda.; Danisco Czech Republic, a.s.; Danisco Deutschland GmbH; Danisco Dis Ticaret Limited Sirketi.; Danisco Egypt Trading LLC; Danisco Flexible Brazil Ltda; Danisco France SAS; Danisco Guatemala S.A.; Danisco Holding USA Inc.; Danisco Holdings (UK) Ltd.; Danisco Holland B.V.; DANISCO INDIA PVT. LTD.; Danisco Ingredients Belgium N.V.; Danisco Italy S.p.A.; Danisco Japan Limited; Danisco Landerneau SAS; Danisco Malaysia Sdn. Bhd.; Danisco Mexicana S.A. de C.V; Danisco Mexico S.A. de C.V.; Danisco New Zealand Limited; Danisco Peru S.A.C.; Danisco Poland Sp. z.o.o; Danisco Romania S.R.L.; DANISCO SINGAPORE PTE LTD.; Danisco South Africa (Pty) Ltd.; DANISCO SWEETENERS (ANYANG) CO., LTD.; Danisco Sweeteners Oy; Danisco Switzerland AG; Danisco UK Ltd.; Danisco Ukraine LLC; Danisco US Inc.; Danisco USA Inc.; Danisco Zaandam BV; Delaware River Cooperative; Dikanka Nasinnia LLC; Doeblers Pennsylvania Hybrids, Inc; DP de Nemours Morocco SAS; DPC (Luxembourg) SARL; DPDH Verwaltungs-GmbH; DPM Holding Netherlands B.V.; DPM Netherlands B.V.; DPNL BV; Du Pont - Asahi Flash Spun Products Kabushiki Kaisha; Du Pont - Mitsui Polychemicals Company, Ltd.; Du Pont - Toray Company, Ltd.; Du Pont (Australia) PTY LTD.; Du Pont (Korea) Inc.; Du Pont (U.K.) Ltd.; Du Pont (U.K.) Trustees Limited; Du

Pont Agricultural Chemicals Ltd., Shanghai; Du Pont Apollo (Shenzhen) Limited; Du Pont Argentina S.R.L.; Du Pont Capital Management Corporation; Du Pont Chemical and Energy Operations, Inc.; Du Pont China Holding Company Ltd.; Du Pont China Limited (US); Du Pont China Limited.; Du Pont Company (Singapore) Pte Ltd.; Du Pont Conid S.p.A.; Du Pont Coordination Center N.V.; Du Pont de Colombia, S.A.; Du Pont de Nemours (Belgium) BVBA; Du Pont de Nemours (Deutschland) GmbH; Du Pont de Nemours (Nederland) B.V.; Du Pont de Nemours Development Sarl; Du Pont de Nemours Immobiliere S.A.; Du Pont de Nemours International S.A. - Slovenia Branch; Du Pont de Nemours International S.A. - Ukraine Rep Ofc; Du Pont de Nemours Italiana S.r.l.; Du Pont de Nemours Nigeria Limited; Du Pont do Brasil S.A.; Du Pont Energy Company, LLC; Du Pont Far East (Philippines Branch); Du Pont Far East (Vietnam Branch); Du Pont Far East, Inc.; Du Pont Feedstocks Company; Du Pont Finland LTD; DU PONT HOLDING NEDERLAND B.V.; Du Pont Hongji Films Foshan Co. Ltd.; Du Pont Iberica, S.L.; Du Pont Kabushiki Kaisha; Du Pont Khimprom; DU PONT MEXICANA S. DE R.L. DE C.V.; Du Pont Orient Operations Ltd.; Du Pont Overseas Operations, Inc.; Du Pont Products S.A.; Du Pont Taiwan Limited; Du Pont Teijin Advanced Papers (Asia) Limited; Du Pont Teijin Advanced Papers (Japan) Limited; Du Pont Vietnam Limited; DuBay Polymer GmbH; Dunhuang Seed Pioneer Hi-Bred Company Ltd.; Dunlana Pty. Ltd.; DuPont (Cambodia) Company Limited; DuPont (China) Research & Development and Management Co., Ltd.; DUPONT (HONG KONG) ELECTRONIC MATERIALS LIMITED; DuPont (Myanmar) Company Ltd; DuPont (New Zealand) Limited; DUPONT (SHANGHAI) ELECTRONIC MATERIALS; DuPont (Shanghai) Sourcing Center Company, Ltd.; DuPont (Shenzhen) Industrial Company Ltd.; DUPONT (SHENZHEN) MANUFACTURING LIMITED; DuPont (South America), Holdings LLC; DUPONT (TAIWAN) ELECTRONIC MATERIALS LTD;

DuPont (Thailand) Limited; DuPont (U.K.) Industrial Limited; DuPont (UK) Electronic Materials Limited; DuPont Acquisition (Luxembourg) S.A.R.L.; DuPont Acquisition, LLC; DuPont Agricultural Caribe Industries, Ltd.; DuPont Asia Pacific Limited; DuPont Asturias, S.L.; DuPont Authentication, Inc.; DuPont Belgian Capital, LLC; DuPont Belgium North America Finance Company; DuPont Beteiligungs GmbH; DuPont Brandywine LLC; DuPont Bulgaria EOOD; DuPont BVco BV; DuPont Capital Management Marketing Corporation; DuPont Chile S.A.; DuPont Cipatex S.A.; DuPont Contern (Luxembourg) SARL; DuPont Corporaciones S de RL; DuPont CZ s.r.o.; DuPont DACI Beteiligungs GmbH; Dupont Danisco Cellulosic Ethanol LLC; DuPont Danmark ApS; DuPont de Ecuador SA; DuPont De Nemours (France) S.A.S.; DuPont de Nemours (Ireland) Limited; DuPont de Nemours (Luxembourg) SARL; DUPONT DE NEMOURS (NEDERLAND) BV; DuPont de Nemours Groupe SAS; DUPONT DE NEMOURS HOLDING LLC (DUPONT DE NEMOURS HOLDING SARL); DuPont de Nemours International Sarl; DuPont de Nemours Investments SARL; DuPont de Nemours Kenya Limited; DuPont de Nemours South Africa (Pty) Ltd.; DuPont de Peru S.A.C.; DuPont Denmark Holding ApS; DuPont Deutschland Holding GmbH & Co. KG; DuPont Display Enhancements, Inc.; DuPont Displays, Inc.; DuPont Eastern Europe BV; DuPont Electronic Materials Kabushiki Kaisha; DuPont Electronic Polymers LP; DuPont Electronics Microcircuits Industries, Ltd.; DuPont Filaments - Americas, LLC; DuPont Filaments - Europe B.V.; DuPont Global Operations, Inc.; DuPont Greenleaf Trading Company; Dupont Gulf FZCO; DuPont Hellas S.A.; DuPont Hesperange (Luxembourg) SARL; DuPont Holdco Spain III, S.L.; DUPONT INDIA LIMITED; DuPont Industrial (Luxembourg) SARL; DUPONT INDUSTRIES SVERIGE AB; DuPont Integration (Luxembourg) S.A.R.L.; DuPont International (Luxembourg) SCA; DuPont International BV; DuPont International Operations Sarl; DuPont

Kazakhstan LLP; DuPont KGA B.V.; DuPont Lanka (Private) Limited; DUPONT LATIN AMERICA, INC.; DuPont Magyarország Kft; DuPont Malaysia SDN BHD; DUPONT MEXICANA, S. DE R.L. DE C.V.; DuPont Norge AS.; DuPont North America Inc.; DuPont Nutrition and Biosciences Ibrica S.L.; DuPont Nutrition Biosciences ApS; DUPONT NUTRITION FOOD INGREDIENTS (BEIJING) COMPANY, LIMITED; DUPONT OCP OPERATIONS CONSULTING S.A.; DuPont Operations (Luxembourg) SARL; DuPont Operations Italia S.r.L.; DuPont Operations Worldwide, Inc.; DUPONT OPERATIONS, INC.; DuPont Operations, Inc. (Luxembourg) Branch; DuPont Pakistan Operations (Pvt.) Limited; DuPont Performance Coatings LA I Holding BV; DuPont Performance Elastomers Ltd.; DuPont Performance Elastomers Sarl; DuPont Pioneer Egypt Holding BV; DuPont Pioneer Investment Co.,Ltd.; DuPont Poland Sp z.o.o.; DuPont Polimeros Ltda.; DuPont Portugal Unipessoal LDA; DuPont Products (Luxembourg) SARL; DuPont Properties (Luxembourg) S.A.R.L.; Dupont Protein Technologies Internal Sales LLC t/a Solae; DuPont Protein Technologies International Sales, LLC; DuPont Quimica de Venezuela, C.A.; DuPont Romania S.R.L.; DuPont S.A. de C.V.; DUPONT SAUDI ARABIA LLC; DuPont Scandinavia GmbH; DuPont Science (Luxembourg) SARL; DuPont Science and Technologies LLC; DuPont Shineway Luohe Food Company Limited; DuPont Shineway Luohe Protein Company Limited; DuPont Slovakia s.r.o.; DuPont Solutions (France) SAS; DuPont Solutions (Luxembourg) SARL; DUPONT SOLUTIONS (LUXEMBOURG) SARL - SWISS BRANCH FINANCIAL SERVICES; DUPONT SOUTH AFRICA HOLDCO (PTY) LTD; DuPont SRB d.o.o. Beograd; DuPont Surfaces (Guangzhou) Co., Ltd.; DUPONT SVERIGE AB; DuPont Tate & Lyle Bio Products Company, LLC; DuPont Technologies Holding Company, Inc.; DuPont Technology (Luxembourg) S.a.r.l.; DuPont Teijin Films China Ltd.; DuPont Teijin Films Luxembourg SA;

DuPont Teijin Films Netherlands BV; DuPont Teijin Films U.K. Limited; DuPont Teijin Films U.S., Limited Partnership; DuPont Teijin Hongji Films Ningbo Co., Ltd.; DuPont Textiles & Interiors Delaware, Inc.; DuPont Trading (Shanghai) Co., Ltd.; DuPont Turkiye Kimyasal Urunler Sanayi ve Ticaret Anonim Sirketi; DuPont Ukraine LLC; DuPont Xingda Filaments Company Limited; DuPont Zhengzhou Protein Company Limited; DuPont-MRC Company, Ltd.; Duwest Colombia S.A.S.; Duwest Costa Rica, S.A.; Duwest Dominicana, S.R.L.; Duwest El Salvador, S.A.; Duwest Guatemala, S.A.; Duwest Honduras, S.A.de CV; Duwest Nicaragua, S.A.; DuWest, Inc.; E. I. du Pont Canada Company; E. I. du Pont de Nemours and Company; E. I. DuPont Bangladesh Liasion Office; E. I. DUPONT CANADA - THETFORD INC.; E. I. DuPont Services Center India Private Limited; E.I. Du Pont India Private Limited; EKC Technology Limited; EKC Technology, Inc.; Electronic Materials Du Pont Dongguan Ltd; ELEMICA Holdings Ltd.; Enablence Technologies Inc.; Eurotec SPRL; Eyal SA; Farms Technology, LLC.; FBSCIENCES HOLDING, INC; FCC Acquisition Corporation; Finnfeeds Finland Oy; Finnfeeds Oy; Gas Natural Caxitlan, S. de R.L. de C.V.; Gemeinnutzige Wohnungsbaugesellschaft GmbH; Genencor (China) Bio-Products Co., Ltd.; Genencor International Cayman Ltd.; Genencor International OY; Genencor International Wisconsin, Inc.; Genencor International, B.V.; Genencor International, BVBA; Genencor Mauritius Ltd.; GOINDUSTRY AG; Grainfield Limited; Green Meadows Ltd.; Griffin L.L.C. Valdosta, Georgia; HaiXu BioMaterials Co., Ltd.; HD MicroSystems GmbH; Hexima Limited; Hickory Holdings, Inc.; Hickory Securities, LLC; Hitachi Chemical DuPont MicroSystems L.L.C.; Hitachi Chemical DuPont MicroSystems Ltd.; Hoegemeyer Hybrids Inc.; Howson Algraphy BV; Imperial Metal & Chemical Company; Innovalight Inc.; Innovation Ingredients (Proprietary) Limited; Inversiones INSG, C.A; Kingston Research Limited; Lluminari, Inc.; Magellan Systems

International, L.L.C.; MapShots, Inc.; Maruwa Biochemical Co., Ltd.; MECS Chemical Plants Equipment (Shanghai) Co. Ltd; MECS Comercio de Produtos, Maquinas e Equipamentos Ltda; MECS Europe/Africa BVBA; Mecs Europe/Africa Incorporated in Belgium; MECS Far East Ltd.; MECS Inc.; MECS India Private Limited; MECS International Holding, Sarl; MECS Sulfox BVBA; Misr Pioneer Seed Company SAE; MTI Microfuel Cells Inc.; Nanocomp Technologies, Inc.; Neptune Environmental Technologies, Inc.; New Asia Holdco B.V.; Newwater Insurance Ltd.; NextGen Enabling Technologies Fund, L.P.; NGEN II, L.P.; NuTech Seed LLC; Optimum Quality Grains LLC; P.T. Indonesia Teijin DuPont Films; Pannar Industrial Holdings (pty) Ltd. (South Africa); Pannar International (Pty) Ltd. (South Africa); Pannar Ltd.(UK); Pannar Properties Zambia Limited; Pannar Research Farms (Pty) Ltd. (South Africa); Pannar Seed (Pty) Ltd. (South Africa); Pannar Seed (Pvt) Ltd. – Zimbabwe; Pannar Seed (Swaziland) Ltd.; Pannar Seed BV (Netherlands); Pannar Seed Holdings (Pty) Ltd. (South Africa); Pannar Seed Inc. – USA; Pannar Seed Kenya Ltd.; Pannar Seed Lesotho (Pty) Ltd.; Pannar Seed Ltda Mozambique; Pannar Seed Malawi Ltd.; Pannar Seed Tanzania Ltd.; Pannar Seed Zambia Ltd.; Pannar Semillas SRL (Argentina); PD Glycol Ltd.; Permatex Italia S.r.l.; PHI Financial Services Canada Limited; PHI Financial Services, Inc.; PHI Insurance Services, Inc.; PHI Mexico S.A. de C.V.; PHI Seeds Ltd.; PHI SERVICIOS S. DE R.L. DE C.V.; PhPhilippines Holdings, Inc.; Pioneer Agro Servicios Chile Ltda.; Pioneer Argentina, S.R.L.; Pioneer Ble Sarl; Pioneer China Business Trust; Pioneer DuPont Zambia Limited; Pioneer EcoScience Ltd.; Pioneer Genetique S.A.R.L.; Pioneer Hi-Bred (Thailand) Limited; Pioneer Hi-Bred (Zimbabwe) (Private) Limited; Pioneer Hi-Bred Agro Servicios Spain SL; Pioneer Hi-Bred Australia Pty Ltd.; Pioneer Hi-Bred Canada Holdings Limited; Pioneer Hi-Bred Europe Inc.; Pioneer Hi-Bred Foundation; Pioneer Hi-Bred FSC Limited; Pioneer Hi-Bred Holding Spain, SRL; Pioneer Hi-

Bred International Production Limited; Pioneer Hi-Bred International, Inc.; Pioneer Hi-Bred Italia Sementi SRL; Pioneer Hi-Bred Italia Servizi Agronomici SRL; Pioneer Hi-Bred Italia SRL; Pioneer Hi-Bred Japan Co., Ltd.; Pioneer Hi-Bred Kenya Limited; Pioneer Hi-Bred Limited (Canada); Pioneer Hi-Bred Magyarország Kft; Pioneer Hi-Bred Northern Europe Sales Division GMBH; Pioneer Hi-Bred Northern Europe Services Division GMBH; Pioneer Hi-Bred Philippines, Inc.; Pioneer Hi-Bred Production, Limited; Pioneer Hi-Bred Production, LP; Pioneer Hi-Bred Proizvodnja d.o.o.; Pioneer Hi-Bred Puerto Rico, Inc.; PIONEER HI-BRED PVT LTD; Pioneer Hi-Bred R.S.A. (Pty) Ltd.; Pioneer Hi-Bred Research R.S.A. (Pty.) Ltd.; Pioneer Hi-Bred Romania S.R.L.; Pioneer Hi-Bred Rus Limited; Pioneer Hi-Bred S.A.R.L.; Pioneer Hi-Bred Seeds Agro SRL; Pioneer Hi-Bred Seeds Ethiopia P.L.C; Pioneer Hi-Bred Sementes de Portugal, SA; Pioneer Hi-Bred Services GmbH; Pioneer Hi-Bred Slovensko s.r.o.; Pioneer Hi-Bred Spain, S.L.; Pioneer Hi-Bred SRB, LLC.; Pioneer Hi-Bred Switzerland S.A.; Pioneer Hi-Bred Termelo es Szolg Zrt.; PIONEER HI-BRED UKRAINE; PIONEER HI-BRED VIETNAM LIMITED; Pioneer Hybrid Hellas; Pioneer Mexico Holdings LLC; Pioneer Mexico Operations, S. de R.L. de C.V.; Pioneer Overseas Corporation; Pioneer Overseas Corporation (Belgium Branch); Pioneer Overseas Corporation (Egypt); Pioneer Overseas Corporation (Hong Kong) Holdings No1 Limited; Pioneer Overseas Corporation (Hong Kong) Limited; Pioneer Overseas Corporation (Hong Kong) Holdings No2 Limited; Pioneer Overseas Corporation (Kenya); Pioneer Overseas Corporation (Singapore) PTE.LTD; Pioneer Overseas Corporation (Zimbabwe); Pioneer Overseas Investors, L.L.C.; Pioneer Overseas Research Corporation; Pioneer Pakistan Seed Limited; Pioneer Sales & Distribution LLC; Pioneer Seed Holding Nederland B.V.; Pioneer Seed Holding Participations BV; Pioneer Seeds Inc.; Pioneer Semena Bulgaria EOOD; Pioneer Semena Holding GmbH; Pioneer Semences SAS; Pioneer Service

Holding BV; Pioneer sjeme d.o.o.; Pioneer Tohumculuk Anonim Sirketi; PIONEER TOHUMCULUK DAGITIM VE PAZARLAMA LTD. STI; Pioneer Turks & Caicos, LLC; Pitt-Consol Chemical Company; PNR Enterprises (Pvt.) Ltd. – Zimbabwe; Pointer Specialty Chemicals, LLC; PowerMetal Technologies, Inc.; Primaxis Technology Ventures Inc.; Protein Technologies International - Development LLC; Protein Technologies International Asia Pacific, LLC; Protein Technologies International Do Brazil Ltda.; Protein Technologies International Europe, LLC; psiloQuest, Inc.; PT Du Pont Agricultural Products Indonesia; PT DuPont Indonesia; RAPID, Inc.; REMO, Inc.; SD Flex Co., Ltd.; Seed Consultants, Inc.; Semillas Pioneer Chile Ltda.; Semillas Pioneer de Venezolanos C.A.; Shandong Denghai Pioneer Seed Company Limited; Solae (UK), Limited; Solae Argentina S.A; Solae Australia PTY Limited; Solae Belgium N.V.; Solae Company India Private Limited; Solae de Mexico S.A. de C.V.; Solae Denmark A/S; Solae Deutschland GmbH; SOLAE DO BRASIL HOLDINGS LTDA.; Solae Do Brasil Industria E Comercio De Alimentos Ltda.; Solae Europe S.A.; Solae France SAS; Solae Holdings LLC; Solae Investimentos Ltda.; Solae Italia Srl; Solae L.L.C.; Solae Overseas B.V.; Solae Trading (Shanghai) Company Ltd.; Sporting Goods Properties Inc.; Stasi Nasinnia LLC; TAXON BIOSCIENCES, INC.; TDFJ Taiwan Limited; Teijin Du Pont Films, Inc.; Teijin DuPont Films Japan Limited; Teijin Film Products Co., Ltd.; Teijin Gifu Kosan Limited; Terral Seed, Inc.; TFI/EP, LLC; The Advantage Corporation; Three Diamonds Trading 304 (Pty) Ltd (Research Solutions); Tieling Pioneer Seed Research Co., Ltd.; T-Import LLC; Venezualan Protein Technologies International; Verdia LLC; Village Court, Inc.; Vivergo Fuels Limited; Wilton Asset Management, LLC; Xylem Seeds Private Limited; Ydernaes 1 A/S; Yet2.com, Inc.; and ZAO Danisco.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and Disclosure of Corporate Parents, Subsidiaries, and Affiliates was served this 3rd day of September, 2015, upon all parties by mailing a true copy thereof by First Class Mail to:

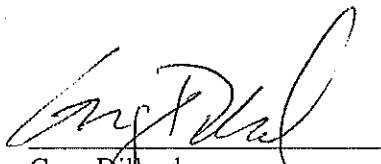
M. Patricia Smith
James E. Culp
Madeleine T. Le
Josh Bernstein

U.S. Department of Labor
Office of the Solicitor
525 Griffin Street, Suite 501
Dallas, Texas 75202
Telephone: 972-850-3100
Facsimile: 972-850-3101

Attorneys for Complainant

Roy Reed
President
ICWUC Local # 900C
2821 Hickory Limb Ct.
League City, TX 77573

John S. Morawetz
Safety and Health Specialist
ICWUC Health and Safety
Department
329 Race Street
Cincinnati, OH 45202


Greg Dillard

Section 1. Registration Information

Source Identification

Facility Name:	La Porte Plant
Parent Company #1 Name:	DuPont
Parent Company #2 Name:	N/A

Submission and Acceptance

Submission Type:	Re-submission
Subsequent RMP Submission Reason:	5-year update (40 CFR 68.190(b)(1))
Description:	
Receipt Date:	19-May-2015
Postmark Date:	19-May-2015
Next Due Date:	19-May-2020
Completeness Check Date:	19-May-2015
Complete RMP:	Yes
De-Registration / Closed Reason:	
De-Registration / Closed Reason Other Text:	
De-Registered / Closed Date:	
De-Registered / Closed Effective Date:	
Certification Received:	Yes

Facility Identification

EPA Facility Identifier:	1000 0014 8912
Other EPA Systems Facility ID:	77571DPNTL1250
Facility Registry System ID:	1100 0046 3542

Dun and Bradstreet Numbers (DUNS)

Facility DUNS:	8079212
Parent Company #1 DUNS:	1315704
Parent Company #2 DUNS:	

Facility Location Address

Street 1:	12501 Strang Road
Street 2:	
City:	La Porte
State:	TEXAS
ZIP:	77572
ZIP4:	0347
County:	HARRIS

Facility Latitude and Longitude

Latitude (decimal):	29.699362
Longitude (decimal):	-095.033275
Lat/Long Method:	Interpolation - Other
Lat/Long Description:	Other
Horizontal Accuracy Measure:	1
Horizontal Reference Datum Name:	North American Datum of 1983
Source Map Scale Number:	

Owner or Operator

Operator Name: DuPont
Operator Phone: (281) 470-3222

Mailing Address

Operator Street 1: P.O. Box 347
Operator Street 2:
Operator City: La Porte
Operator State: TEXAS
Operator ZIP: 77572
Operator ZIP4: 0347
Operator Foreign State or Province:
Operator Foreign ZIP:
Operator Foreign Country:

Name and title of person or position responsible for Part 68 (RMP) Implementation

RMP Name of Person: Ethan G. Snell
RMP Title of Person or Position: SHE Specialist
RMP E-mail Address: ethan.g.snell@dupont.com

Emergency Contact

Emergency Contact Name: Guard Office
Emergency Contact Title: Guard Office
Emergency Contact Phone: (281) 470-3222
Emergency Contact 24-Hour Phone: (281) 470-3222
Emergency Contact Ext. or PIN:
Emergency Contact E-mail Address: N/A

Other Points of Contact

Facility or Parent Company E-mail Address:
Facility Public Contact Phone:
Facility or Parent Company WWW Homepage
Address:

Local Emergency Planning Committee

LEPC: LaPorte-Shore Acres LEPC

Full Time Equivalent Employees

Number of Full Time Employees (FTE) on Site: 215
FTE Claimed as CBI:

Covered By

OSHA PSM : Yes
EPCRA 302 : Yes
CAA Title V: Yes

Facility Name: La Porte Plant

EPA Facility Identifier: 1000 0014 8912

Plan Sequence Number: 1000049768

Air Operating Permit ID:

O-01905;O-01906

OSHA Ranking

OSHA Star or Merit Ranking:

Last Safety Inspection

Last Safety Inspection (By an External Agency) 12-Jan-2015
Date:

Last Safety Inspection Performed By an External Agency: OSHA

Predictive Filing

Did this RMP involve predictive filing?:

Preparer Information

Preparer Name:
Preparer Phone:
Preparer Street 1:
Preparer Street 2:
Preparer City:
Preparer State:
Preparer ZIP:
Preparer ZIP4:
Preparer Foreign State:
Preparer Foreign Country:
Preparer Foreign ZIP:

Confidential Business Information (CBI)

CBI Claimed:
Substantiation Provided:
Unsanitized RMP Provided:

Reportable Accidents

Reportable Accidents:

See Section 6. Accident History below to determine if there were any accidents reported for this RMP.

Process Chemicals

Process ID:	1000062569
Description:	Lannate (R) - API
Process Chemical ID:	1000077289
Program Level:	Program Level 3 process
Chemical Name:	Methyl mercaptan [Methanethiol]
CAS Number:	74-93-1
Quantity (lbs):	140000
CBI Claimed:	
Flammable/Toxic:	Toxic

Process ID: 1000062570
Description: Herbicides
Process Chemical ID: 1000077290
Program Level: Program Level 3 process
Chemical Name: Dimethylamine [Methanamine, N-methyl-]
CAS Number: 124-40-3
Quantity (lbs): 150000
CBI Claimed:
Flammable/Toxic: Flammable

Process ID: 1000062569
Description: Lannate (R) - API
Process Chemical ID: 1000077288
Program Level: Program Level 3 process
Chemical Name: Chlorine
CAS Number: 7782-50-5
Quantity (lbs): 180000
CBI Claimed:
Flammable/Toxic: Toxic

Process NAICS

Process ID: 1000062569
Process NAICS ID: 1000063705
Program Level: Program Level 3 process
NAICS Code: 32532
NAICS Description: Pesticide and Other Agricultural Chemical Manufacturing

Process ID: 1000062570
Process NAICS ID: 1000063706
Program Level: Program Level 3 process
NAICS Code: 32532
NAICS Description: Pesticide and Other Agricultural Chemical Manufacturing

Section 2. Toxics: Worst Case

Toxic Worst ID: 1000050126

Percent Weight:

Physical State:

Model Used:

Release Duration (mins):

Wind Speed (m/sec):

Atmospheric Stability Class:

Topography:

Gas liquified by pressure

EPA's OCA Guidance Reference Tables or
Equations

10

1.5

F

Urban

Passive Mitigation Considered

Dikes:

Yes

Enclosures:

Berms:

Drains:

Sumps:

Other Type:

Section 3. Toxics: Alternative Release

Toxic Alter ID: 1000053621

Percent Weight:	
Physical State:	Gas liquified by pressure
Model Used:	EPA's RMP*Comp(TM)
Wind Speed (m/sec):	3.0
Atmospheric Stability Class:	D
Topography:	Urban

Passive Mitigation Considered

Dikes:
Enclosures:
Berms:
Drains:
Sumps:
Other Type:

Active Mitigation Considered

Sprinkler System:	
Deluge System:	
Water Curtain:	
Neutralization:	
Excess Flow Valve:	Yes
Flares:	
Scrubbers:	
Emergency Shutdown:	Yes
Other Type:	Leak detectors, auto shut-off valves

Toxic Alter ID: 1000053622

Percent Weight:	
Physical State:	Gas liquified by pressure
Model Used:	EPA's RMP*Comp(TM)
Wind Speed (m/sec):	3.0
Atmospheric Stability Class:	D
Topography:	Urban

Passive Mitigation Considered

Dikes:
Enclosures:
Berms:
Drains:
Sumps:
Other Type:

Active Mitigation Considered

Sprinkler System:
Deluge System:
Water Curtain:
Neutralization:
Excess Flow Valve:
Flares:
Scrubbers:

Facility Name: La Porte Plant

EPA Facility Identifier: 1000 0014 8912

Plan Sequence Number: 1000049768

Emergency Shutdown:

Yes

Other Type:

Scrubbed Incinerator, Automatic shut-off valves

Section 4. Flammables: Worst Case

Flammable Worst ID: 1000035429

Model Used:

EPA's RMP*Comp(TM)

Endpoint used:

1 PSI

Passive Mitigation Considered

Blast Walls:

Other Type:

Section 5. Flammables: Alternative Release

Flammable Alter ID: 1000033493

Model Used:

EPA's RMP*Comp(TM)

Passive Mitigation Considered

Dikes:

Fire Walls:

Blast Walls:

Enclosures:

Other Type:

Active Mitigation Considered

Sprinkler System:

Deluge System:

Water Curtain:

Excess Flow Valve:

Other Type:

Section 6. Accident History

Accident History ID: 1000038440

Date of Accident:	23-Mar-2011
Time Accident Began (HHMM):	1100
NAICS Code of Process Involved:	32532
NAICS Description:	Pesticide and Other Agricultural Chemical Manufacturing
Release Duration:	000 Hours 01 Minutes

Release Event

Gas Release:	
Liquid Spill/Evaporation:	Yes
Fire:	
Explosion:	
Uncontrolled/Runaway Reaction:	

Release Source

Storage Vessel:	
Piping:	
Process Vessel:	
Transfer Hose:	
Valve:	
Pump:	
Joint:	
Other Release Source:	Flexible Tubing Connected to reactor level transmitter

Weather Conditions at the Time of Event

Wind Speed:	10.0
Units:	miles/h
Direction:	SW
Temperature:	76
Atmospheric Stability Class:	C
Precipitation Present:	
Unknown Weather Conditions:	

On-Site Impacts

Employee or Contractor Deaths:	0
Public Responder Deaths:	0
Public Deaths:	0
Employee or Contractor Injuries:	1
Public Responder Injuries:	0
Public Injuries:	0
On-Site Property Damage (\$):	0

Known Off-Site Impacts

Deaths:	0
Hospitalization:	0

Facility Name: La Porte Plant

EPA Facility Identifier: 1000 0014 8912

Plan Sequence Number: 1000049768

Other Medical Treatments:	0
Evacuated:	0
Sheltered-in-Place:	0
Off-Site Property Damage (\$):	0

Environmental Damage

Fish or Animal Kills:
Tree, Lawn, Shrub, or Crop Damage:
Water Contamination:
Soil Contamination:
Other Environmental Damage:

Initiating Event

Initiating Event:	Equipment Failure
-------------------	-------------------

Contributing Factors

Equipment Failure:	Yes
Human Error:	
Improper Procedures:	
Overpressurization:	
Upset Condition:	
By-Pass Condition:	
Maintenance Activity/Inactivity:	
Process Design Failure:	
Unsuitable Equipment:	
Unusual Weather Condition:	
Management Error:	
Other Contributing Factor:	

Off-Site Responders Notified

Off-Site Responders Notified:	No, not notified
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Changes Introduced as a Result of the Accident

Improved or Upgraded Equipment:	
Revised Maintenance:	Yes
Revised Training:	Yes
Revised Operating Procedures:	Yes
New Process Controls:	
New Mitigation Systems:	
Revised Emergency Response Plan:	
Changed Process:	
Reduced Inventory:	
None:	
Other Changes Introduced:	

Confidential Business Information

CBI Claimed:

Chemicals in Accident History

Accident Chemical ID:	1000030829
Quantity Released (lbs):	1
Percent Weight:	6.0
Chemical Name:	Chlorine
CAS Number:	7782-50-5
Flammable/Toxic:	Toxic

Accident History ID: 1000038559

Date of Accident:	15-Nov-2014
Time Accident Began (HHMM):	0313
NAICS Code of Process Involved:	32532
NAICS Description:	Pesticide and Other Agricultural Chemical Manufacturing
Release Duration:	005 Hours 46 Minutes

Release Event

Gas Release:	
Liquid Spill/Evaporation:	Yes
Fire:	
Explosion:	
Uncontrolled/Runaway Reaction:	

Release Source

Storage Vessel:	
Piping:	
Process Vessel:	
Transfer Hose:	
Valve:	Yes
Pump:	
Joint:	
Other Release Source:	

Weather Conditions at the Time of Event

Wind Speed:	8.0
Units:	miles/h
Direction:	NNE
Temperature:	45
Atmospheric Stability Class:	D
Precipitation Present:	
Unknown Weather Conditions:	

On-Site Impacts

Employee or Contractor Deaths:	4
Public Responder Deaths:	0
Public Deaths:	0
Employee or Contractor Injuries:	2
Public Responder Injuries:	0
Public Injuries:	0

On-Site Property Damage (\$):	0
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Known Off-Site Impacts

Deaths:	0
Hospitalization:	0
Other Medical Treatments:	0
Evacuated:	0
Sheltered-in-Place:	0
Off-Site Property Damage (\$):	0

Environmental Damage

Fish or Animal Kills:	
Tree, Lawn, Shrub, or Crop Damage:	
Water Contamination:	
Soil Contamination:	
Other Environmental Damage:	

Initiating Event

Initiating Event:	Human Error
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Contributing Factors

Equipment Failure:	
Human Error:	
Improper Procedures:	Yes
Overpressurization:	
Upset Condition:	Yes
By-Pass Condition:	
Maintenance Activity/Inactivity:	
Process Design Failure:	Yes
Unsuitable Equipment:	
Unusual Weather Condition:	
Management Error:	Yes
Other Contributing Factor:	

Off-Site Responders Notified

Off-Site Responders Notified:	Notified and Responded
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Changes Introduced as a Result of the Accident

Improved or Upgraded Equipment:	
Revised Maintenance:	
Revised Training:	Yes
Revised Operating Procedures:	Yes
New Process Controls:	Yes
New Mitigation Systems:	Yes
Revised Emergency Response Plan:	Yes
Changed Process:	
Reduced Inventory:	
None:	

Other Changes Introduced:

Confidential Business Information

CBI Claimed:

Chemicals in Accident History

Accident Chemical ID:	1000030908
Quantity Released (lbs):	23649
Percent Weight:	100.0
Chemical Name:	Methyl mercaptan [Methanethiol]
CAS Number:	74-93-1
Flammable/Toxic:	Toxic

Accident Chemical ID:	1000030927
Quantity Released (lbs):	36
Percent Weight:	100.0
Chemical Name:	Sulfur dioxide (anhydrous)
CAS Number:	7446-09-5
Flammable/Toxic:	Toxic

Section 7. Program Level 3

Description

Process Hazards Analyses (PHA's) have been done on various parts of the Lannate(R) - API Process for over 30 years. Safety Information is reviewed and revised continuously depending on such factors as PHA cycle, material hazards, safe limits, MSDS's, P&ID's etc. To spread the PHA workload over time, the Lannate(R) - API Process has been divided into "subsections" with the separate PHA's in each of the "subsections" being updated on off-set 5-year cycles. All of the PHA techniques shown below could have been used for the PHA for a particular section in the Lannate(R) - API Process. The dates shown reflect the most recent subsection that was reviewed. All of the changes recommended in that same "subsection" PHA were or will be completed as of the date shown. Only the hazards identified in that same "subsection" PHA are marked "yes". Other hazards could have been identified in other "subsection" PHA's. Operating procedures are broken down into subsections with review/upgrading/revising done on a 3-year cycle. Additional revisions may occur prior to the formal review cycle as upgrades are identified. Training for operators is specifically designed for a given operator title. Employees involved in maintenance activities obtain general skills training at Lee College and area specific training in the area. Area maintenance procedures are for those maintenance jobs that have some degree of uniqueness to the process unit. In addition, there are Crop Protection facility-wide maintenance procedures that are utilized by maintenance personnel for tasks not specific to a process unit. The critical equipment and components (for example, vessels, relief valves, safety interlocks, etc.) have established inspection/testing frequencies and are covered by maintenance plans. To assure compliance, a 3-year audit cycle is used. The various components of OSHA 1910.119 are audited by a set schedule with roughly 1 component audited every 3 months. The process unit maintains a log of all process safety and environmental related incidents and conducts comprehensive investigations on incidents that have resulted in or could have the potential to result in serious or catastrophic release of hazardous substances.

Program Level 3 Prevention Program Chemicals

Prevention Program Chemical ID:	1000063796
Chemical Name:	Methyl mercaptan [Methanethiol]
Flammable/Toxic:	Toxic
CAS Number:	74-93-1

Process ID:	1000062569
Description:	Lannate (R) - API
Prevention Program Level 3 ID:	1000051971
NAICS Code:	32532

Prevention Program Chemical ID:	1000063795
Chemical Name:	Chlorine
Flammable/Toxic:	Toxic
CAS Number:	7782-50-5

Process ID:	1000062569
Description:	Lannate (R) - API
Prevention Program Level 3 ID:	1000051971
NAICS Code:	32532

Safety Information

Safety Review Date (The date on which the safety information was last reviewed or revised):	31-Dec-2013
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Process Hazard Analysis (PHA)

PHA Completion Date (Date of last PHA or PHA update): 31-Dec-2013

The Technique Used

What If:
Checklist:
What If/Checklist: Yes
HAZOP:
Failure Mode and Effects Analysis:
Fault Tree Analysis:
Other Technique Used:
PHA Change Completion Date (The expected or actual date of completion of all changes resulting from last PHA or PHA update): 31-Aug-2015

Major Hazards Identified

Toxic Release: Yes
Fire:
Explosion:
Runaway Reaction:
Polymerization:
Overpressurization:
Corrosion:
Overfilling:
Contamination: Yes
Equipment Failure:
Loss of Cooling, Heating, Electricity, Instrument Air:
Earthquake:
Floods (Flood Plain):
Tornado:
Hurricanes:
Other Major Hazard Identified:

Process Controls in Use

Vents: Yes
Relief Valves: Yes
Check Valves: Yes
Scrubbers: Yes
Flares:
Manual Shutoffs: Yes
Automatic Shutoffs: Yes
Interlocks: Yes
Alarms and Procedures: Yes
Keyed Bypass:
Emergency Air Supply:
Emergency Power:
Backup Pump:
Grounding Equipment: Yes
Inhibitor Addition:
Rupture Disks: Yes
Excess Flow Device: Yes

Quench System:
Purge System:
None:
Other Process Control in Use:

Mitigation Systems in Use

Sprinkler System: Yes
Dikes:
Fire Walls:
Blast Walls:
Deluge System: Yes
Water Curtain:
Enclosure: Yes
Neutralization:
None:
Other Mitigation System in Use:

Monitoring/Detection Systems in Use

Process Area Detectors: Yes
Perimeter Monitors:
None:
Other Monitoring/Detection System in Use:

Changes Since Last PHA Update

Reduction in Chemical Inventory:
Increase in Chemical Inventory:
Change Process Parameters:
Installation of Process Controls:
Installation of Process Detection Systems:
Installation of Perimeter Monitoring Systems:
Installation of Mitigation Systems:
None Recommended:
None: Yes
Other Changes Since Last PHA or PHA Update:

Review of Operating Procedures

Operating Procedures Revision Date (The date of the most recent review or revision of operating procedures): 17-Apr-2015

Training

Training Revision Date (The date of the most recent review or revision of training programs): 16-Sep-2014

The Type of Training Provided

Classroom: Yes
On the Job: Yes
Other Training: Computer based

The Type of Competency Testing Used

Written Tests:	Yes
Oral Tests:	Yes
Demonstration:	Yes
Observation:	
Other Type of Competency Testing Used:	

Maintenance

Maintenance Procedures Revision Date (The date of the most recent review or revision of maintenance procedures): 27-Apr-2015

Equipment Inspection Date (The date of the most recent equipment inspection or test): 14-Apr-2015

Equipment Tested (Equipment most recently inspected or tested): Exchanger; Methomyl Reactor Col Bayonet

Management of Change

Change Management Date (The date of the most recent change that triggered management of change procedures): 23-Sep-2014

Change Management Revision Date (The date of the most recent review or revision of management of change procedures): 12-Apr-2013

Pre-Startup Review

Pre-Startup Review Date (The date of the most recent pre-startup review): 30-Oct-2014

Compliance Audits

Compliance Audit Date (The date of the most recent compliance audit): 14-May-2015

Compliance Audit Change Completion Date (Expected or actual date of completion of all changes resulting from the compliance audit): 31-Aug-2015

Incident Investigation

Incident Investigation Date (The date of the most recent incident investigation (if any)): 16-Dec-2014

Incident Investigation Change Date (The expected or actual date of completion of all changes resulting from the investigation): 14-Jan-2016

Employee Participation Plans

Participation Plan Revision Date (The date of the most recent review or revision of employee participation plans): 31-May-2014

Hot Work Permit Procedures

Hot Work permit Review Date (The date of the most recent review or revision of hot work permit procedures): 30-Apr-2013

Contractor Safety Procedures

Contractor Safety Procedures Review Date (The date of the most recent review or revision of contractor safety procedures): 31-Mar-2015

Contractor Safety Performance Evaluation Date (The date of the most recent review or revision of contractor safety performance): 15-Sep-2014

Confidential Business Information

CBI Claimed:

Description

Process Hazards Analyses (PHA's) have been done on various parts of the Herbicides Process for over 30 years. Safety Information is reviewed and revised continuously depending on such factors as PHA cycle, material hazards, safe limits, MSDS's, P&ID's etc. To spread the PHA workload over time, the Herbicides Process has been divided into "subsections" with the separate PHA's in each of the "subsections" being updated on off-set 5-year cycles. The date shown below is for the most recent of these "subsection" PHA's. Any of the PHA techniques shown in Section 7.4b below could have been used for a PHA in the Herbicides Process, but the "WhatIf" technique indicated for the most recent review. All of the changes recommended in that same "subsection" PHA were or will be completed as of the date shown. Only the hazards identified in that same "subsection" PHA are marked "yes". Other hazards could have been identified in other "subsection" PHA's. Operating procedures are broken down into subsections with review/upgrading/revising done on a 3-year cycle. Additional revisions may occur prior to the 3-year formal review cycle as upgrades are identified. Training programs are reviewed and revised upon each use for a new trainee. Training for operators is specifically designed for a given operator title. Employees involved in maintenance activities obtain general skills training at Lee College and area specific skills training in the area. Area maintenance procedures are for those maintenance jobs that have some degree of uniqueness to the process unit. In addition, there are Crop Protection facility-wide maintenance procedures that are utilized by maintenance personnel for tasks not specific to a process unit. The critical equipment and components (for example, vessels, relief devices, safety interlocks, etc.) have established inspection/testing frequencies and are covered by maintenance plans. To insure compliance, a 3-year audit cycle, as required by OSHA 1910.119 is used. The various components of OSHA 1910.119 (PHA, Operating procedures, etc) are audited by a set schedule with roughly 1 component audited every 3 months.

The process unit maintains a log of all process safety and environmental related incidents and conducts comprehensive investigations that have resulted in or could have the potential to result in serious or catastrophic release of hazardous substances.

Program Level 3 Prevention Program Chemicals

Prevention Program Chemical ID:	1000063797
Chemical Name:	Dimethylamine [Methanamine, N-methyl-]
Flammable/Toxic:	Flammable
CAS Number:	124-40-3

Process ID:	1000062570
Description:	Herbicides
Prevention Program Level 3 ID:	1000051972
NAICS Code:	32532

Safety Information

Safety Review Date (The date on which the safety information was last reviewed or revised):	31-Dec-2012
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Process Hazard Analysis (PHA)

PHA Completion Date (Date of last PHA or PHA update):	31-Dec-2012
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The Technique Used

What If:	Yes
Checklist:	
What If/Checklist:	
HAZOP:	Yes
Failure Mode and Effects Analysis:	

Fault Tree Analysis:

Other Technique Used:

PHA Change Completion Date (The expected or actual date of completion of all changes resulting from last PHA or PHA update):

Major Hazards Identified

Toxic Release:	Yes
Fire:	Yes
Explosion:	Yes
Runaway Reaction:	
Polymerization:	
Overpressurization:	Yes
Corrosion:	
Overfilling:	Yes
Contamination:	
Equipment Failure:	Yes
Loss of Cooling, Heating, Electricity, Instrument Air:	Yes
Earthquake:	
Floods (Flood Plain):	
Tornado:	
Hurricanes:	
Other Major Hazard Identified:	

Process Controls in Use

Vents:	Yes
Relief Valves:	Yes
Check Valves:	
Scrubbers:	Yes
Flares:	
Manual Shutoffs:	Yes
Automatic Shutoffs:	Yes
Interlocks:	Yes
Alarms and Procedures:	Yes
Keyed Bypass:	
Emergency Air Supply:	
Emergency Power:	
Backup Pump:	
Grounding Equipment:	Yes
Inhibitor Addition:	
Rupture Disks:	Yes
Excess Flow Device:	Yes
Quench System:	
Purge System:	
None:	
Other Process Control in Use:	

Mitigation Systems in Use

Sprinkler System:	Yes
Dikes:	Yes
Fire Walls:	
Blast Walls:	
Deluge System:	Yes

Water Curtain:

Enclosure:

Neutralization:

None:

Other Mitigation System in Use:

trench-dike, leak detection for toxicity for early warning

Monitoring/Detection Systems in Use

Process Area Detectors:

Perimeter Monitors:

None:

Other Monitoring/Detection System in Use:

field patrols

Changes Since Last PHA Update

Reduction in Chemical Inventory:

Increase in Chemical Inventory:

Change Process Parameters:

Installation of Process Controls:

Installation of Process Detection Systems:

Installation of Perimeter Monitoring Systems:

Installation of Mitigation Systems:

Yes

None Recommended:

None:

Other Changes Since Last PHA or PHA Update:

Review of Operating Procedures

Operating Procedures Revision Date (The date of the most recent review or revision of operating procedures): 14-Apr-2015

Training

Training Revision Date (The date of the most recent review or revision of training programs): 03-Nov-2014

The Type of Training Provided

Classroom:

Yes

On the Job:

Yes

Other Training:

computer based

The Type of Competency Testing Used

Written Tests:

Yes

Oral Tests:

Yes

Demonstration:

Yes

Observation:

Yes

Other Type of Competency Testing Used:

job cycle

Maintenance

Maintenance Procedures Revision Date (The date of the most recent review or revision of maintenance procedures): 27-Apr-2015

Equipment Inspection Date (The date of the most recent equipment inspection or test): 09-Mar-2015

Equipment Tested (Equipment most recently inspected or tested): Tank; Glaical Acetic Acid Tote 35

Management of Change

Change Management Date (The date of the most recent change that triggered management of change procedures): 20-Nov-2013

Change Management Revision Date (The date of the most recent review or revision of management of change procedures): 12-Apr-2013

Pre-Startup Review

Pre-Startup Review Date (The date of the most recent pre-startup review): 14-Aug-2014

Compliance Audits

Compliance Audit Date (The date of the most recent compliance audit): 14-May-2015

Compliance Audit Change Completion Date (Expected or actual date of completion of all changes resulting from the compliance audit): 30-Sep-2016

Incident Investigation

Incident Investigation Date (The date of the most recent incident investigation (if any)): 05-Apr-2011

Incident Investigation Change Date (The expected or actual date of completion of all changes resulting from the investigation): 15-Feb-2012

Employee Participation Plans

Participation Plan Revision Date (The date of the most recent review or revision of employee participation plans): 31-May-2014

Hot Work Permit Procedures

Hot Work permit Review Date (The date of the most recent review or revision of hot work permit procedures): 30-Apr-2013

Contractor Safety Procedures

Facility Name: La Porte Plant

EPA Facility Identifier: 1000 0014 8912

Plan Sequence Number: 1000049768

Contractor Safety Procedures Review Date (The date of the most recent review or revision of contractor safety procedures): 31-Mar-2015

Contractor Safety Performance Evaluation Date (The date of the most recent review or revision of contractor safety performance): 15-Sep-2014

Confidential Business Information

CBI Claimed:

Section 8. Program Level 2

No records found.

Section 9. Emergency Response

Written Emergency Response (ER) Plan

Community Plan (Is facility included in written community emergency response plan?): Yes

Facility Plan (Does facility have its own written emergency response plan?): Yes

Response Actions (Does ER plan include specific actions to be taken in response to accidental releases of regulated substance(s)?): Yes

Public Information (Does ER plan include procedures for informing the public and local agencies responding to accidental release?): Yes

Healthcare (Does facility's ER plan include information on emergency health care?): Yes

Emergency Response Review

Review Date (Date of most recent review or update of facility's ER plan): 04-Jun-2013

Emergency Response Training

Training Date (Date of most recent review or update of facility's employees): 30-Apr-2015

Local Agency

Agency Name (Name of local agency with which the facility ER plan or response activities are coordinated): Harris County-LaPorte LEPC

Agency Phone Number (Phone number of local agency with which the facility ER plan or response activities are coordinated): (281) 471-3810

Subject to

OSHA Regulations at 29 CFR 1910.38: Yes

OSHA Regulations at 29 CFR 1910.120: Yes

Clean Water Regulations at 40 CFR 112:

RCRA Regulations at CFR 264, 265, and 279.52: Yes

OPA 90 Regulations at 40 CFR 112, 33 CFR 154, 49 CFR 194, or 30 CFR 254:

State EPCRA Rules or Laws:

Other (Specify):

Executive Summary

DUPONT - LA PORTE PLANT

RISK MANAGEMENT PLAN

EXECUTIVE SUMMARY

ACCIDENTAL RELEASE PREVENTION AND EMERGENCY RESPONSE POLICIES

DuPont has a long-held, corporate level belief that all safety incidents and accidental releases can and must be prevented. This belief covers on and off-job injuries, occupational illnesses and accidental releases. DuPont is also committed to keeping its facilities ready to respond to any incident that occurs in spite of our best prevention efforts.

DuPont established process safety management (PSM) on a Corporate basis in 1979. General definitions, policies and organizational structure that implement PSM are outlined in Section S21A of the DuPont Safety, Health, and environmental (SHE) standards. PSM goals, policies and procedures are embodied in numerous corporate manuals and documents such as Engineering Standards, Safety Manuals and Guidelines.

DuPont's La Porte Plant endorses, adheres to and carries out Corporate PSM policies, procedures and guidelines. The DuPont La Porte Plant's Accidental Release Prevention policies come within the scope of the site's existing Process Safety Management (PSM) program. We apply PSM to all processes and chemicals at this site, not just those covered by the RMP Regulation.

The stated purpose of the La Porte Plant's PSM Program is to manage and control the hazards in our processes, to protect individuals, plant equipment, our business integrity, and our community through the elimination of hazards. PSM involves the application of controls to our processes through operating & maintenance procedures and practices, training, management of change, equipment inspection, and auditing.

The Principles that govern the DuPont La Porte Plant's PSM actions are:

- All injuries, incidents and occupational illnesses are preventable. We will work in a proactive, preventive mode rather than in a reactive mode.
- We will educate and develop people to achieve understanding, buy-in, and excellence in the field of Process Safety Management such that serious process incidents are eliminated.
- We will obtain and apply consistent management support and resources from the entire business team to eliminate potential serious process incidents.
- The total organization will maintain the will and energy to keep Process Safety Management in the forefront at all times.

Over the years, the DuPont La Porte Plant has established a number of records in the fields of safety, employee health and environmental protection that demonstrate our commitment to our PSM goals and policies.

FACILITY DESCRIPTION AND REGULATED SUBSTANCES HANDLED

The DuPont facility is situated on property north and west of the intersection of State Highways 225 and 146, fronting on Upper San Jacinto Bay.

At the La Porte Plant, DuPont is engaged in the manufacture of Crop Protection Products used for improving crop yields and quality at value adding prices.

Management System

Overall responsibility for the operation of DuPont's La Porte Plant is vested in a Plant Manager. All elements of the site's Risk Management Program, including safety, regulatory compliance, prevention of accidental spills and releases, and emergency response fall within the scope of the Plant Manager's responsibilities. Safety is also considered to be each employee's individual responsibility.

Below the Plant Manager level, there are two Unit Operation Leaders (one for each of the Crop Protection businesses) who report to the Plant Manager. Each Unit Operation Leader is responsible for Process Safety Management (PSM), spill/release prevention, regulatory compliance and many aspects of Emergency Response within his/her individual Business. Reporting to the Plant Manager is a Site Safety, Health, Environmental (SHE) and Security Manager who has overall site responsibility for regulatory compliance including the development, implementation, and integration of the site's risk management program elements. A Security Consultant / Emergency Services Coordinator who has site responsibility for Security and Emergency Planning and Response also reports to the SHEA Manager. Additionally reporting to the Plant Manager is a Site Services Manager. A Site Safety Leader, who has overall responsibility for OSHA compliance, reports directly to this Site Services Manager.

All operations at this facility including the Covered Processes listed below and the Environmental Control operations are attended 24 hours per day, 7 days per week by well trained, highly skilled personnel.

All accidental spills and releases occurring at this facility are documented, investigated and the residue, if any, is promptly cleaned up.

Security

A high level of security is maintained at the facility at all time. The facility is not open to the public. Security personnel are on duty 24 hours per day, 7 days per week to observe and control all site ingress and egress and to perform frequent on-site and perimeter patrols. A strict accounting is kept of everyone present at the facility - including employees, visitors, vendors, contractors and delivery personnel. Vehicular access is tightly controlled. Security personnel inspect all inbound and outbound vehicles. Continual perimeter monitoring is maintained by a series of recorded fixed and pan tilt-zoom (PTZ) cameras, displayed to Security Personnel at the Main Gate.

Covered Processes and Regulated Substances

The RMP regulated substances and covered processes at this facility are:

Covered Process	Regulated Substance
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Lannate(R)	Chlorine
	Methyl Mercaptan

Herbicides	Dimethylamine
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Each of the processes listed above is a Program 3 Process. Any rail car or tank trailer being used for temporary storage of an RMP Regulated Substance is included within the scope of one of the Covered Processes listed.

The release scenarios presented in later sections of this RMP were developed in conjunction with, and according to protocols developed by, the East Harris County Manufacturers Association (EHCMA), the largest industrial manufacturing association in the United States.

EPA RMPComp was used to determine endpoint distances for both Worst Case and Alternative Release Scenarios.

Also in conjunction with EHCMA, the DuPont La Porte facility has gone well beyond the regulatory requirement to make our RMP information available to the public. Our RMP information was actively communicated to the public in a series of "Roll-out" events conducted in February and March 1999. Community dialogue about Risk Management is an on-going process particularly through efforts with our local Citizens' Advisory Council and Local Emergency Planning Committee (LEPC). The RMP has been shared with the City of La Porte Office of Emergency Management.

FIVE YEAR ACCIDENT HISTORY

In the five years immediately preceding the resubmittal of this RMP, there were two accidental releases of a RMP regulated substance from a covered process at the DuPont La Porte Plant that resulted in on-site injuries and fatalities. During this period, there were no accidental spills or releases of RMP regulated substance that resulted in known off site deaths, evacuations, or environmental damage.

GENERAL ACCIDENTAL RELEASE PREVENTION PROGRAM AND CHEMICAL- SPECIFIC PREVENTION STEPS

DuPont's La Porte Plant is regulated by and complies with OSHA's Process Safety Management (PSM) Regulation - 29 CFR 1910.119. Our PSM compliance program is directed toward preventing all serious process related chemical incidents that might affect plant personnel (employees, contractors, visitors) off-site communities, or the environment, or result in significant loss of property or business. It involves the application of systems and controls to chemical manufacturing processes in a way that hazards are identified, understood and controlled so that process-related injuries and incidents are prevented. The site's Accidental Release Prevention Program falls within the scope of our existing PSM program.

The fourteen (14) key elements of this facility's PSM program are:

Technology

1. Process technology (PT)
2. Process hazards analysis (PHA)
3. Operating procedures and safe practices
4. Management of change - technology

Personnel

5. Personnel training and performance
6. Contractor safety performance
7. Management of change - personnel
8. Incident investigation and reporting
9. Emergency planning and response
10. Auditing

Facilities

11. Quality assurance (QA)
12. Mechanical integrity (MI)
13. Pre-start-up safety reviews
14. Management of "subtle" change

DuPont's PSM Program is applied to two categories of process activities:

--Higher Hazard Processes (HHP's) - any activity that manufacturers, handles, stores or uses hazardous substances that, when released or ignited, can result in death or irreversible human health effects, significant property or environmental damage, or off-site impacts due to acute toxicity, flammability, explosivity, corrosivity, thermal instability, latent heat, or compression.

--Lower Hazard Operations (LHO's) - any activity that exclusively manufactures, handles, stores, or uses any substance with low potential for death or irreversible human health effects, significant property or environmental damage, or off-site impacts due to toxicity, asphyxiation, or mechanical hazards including stored energy.

EMERGENCY RESPONSE PROGRAM

All employees at DuPont's La Porte Plant are trained to recognize potential hazards associated with handling hazardous

substances. Employees are trained in several independent ways of reporting actual and/or potential emergency situations and securing assistance. All methods of emergency reporting result in the sounding of a site-wide alarm.

The site-wide alarm automatically alerts the entire facility to the emergency, activates one of two designated Emergency Operations Centers (EOC) and summons the Emergency Response Team (ERT) to the incident location. An Emergency Response Team (ERT) is on duty at the facility 24 hours per day, 7 days per week.

The sounding of the site-wide alarm also initiates a number of other processes including:

- mobilization of site emergency response resources
- preliminary assessment of the situation
- personnel accounting
- dispersion modeling to gauge the potential for off-site impact
- establishment of a Command Post near the incident location

At the Command Post, an Incident Commander (IC) takes charge of the situation and organizes and directs the ERT response. The site's Emergency Response Team (ERT) is trained in incident command, interior structural firefighting, fume and vapor suppression, emergency medical treatment (including cardiac care), high angle / confined space rescue, and hazardous material response. The purpose of the ERT is to assist the facility in safeguarding employees and the community from the threat of fire, injuries, fume releases, medical illnesses, entrapment and other types of emergencies. Minimum staffing levels for these skills and functions have been established.

A roster of off-shift emergency responders is maintained for call-out in the event additional personnel are required or minimum staffing coverage. DuPont La Porte maintains an on-site medical facility staffed by a part-time physician and a full-time Nurse Practitioner during the hours of Monday through Friday 0530 hours until 1430 hours. A fully equipped, basic life support ambulance is maintained on-site as well as a helicopter landing pad. La Porte Emergency Medical Service is on call 24/7 for offsite patient transport.

Site security forces are available around the clock to coordinate with local law enforcement agencies, monitor communications, establish road blocks and/or take other appropriate responses as necessary to control personnel and traffic.

If necessary, a large number of off-site resources can be brought to bear on a major incident:

- Channel Industries Mutual Aid (CIMA) can provide essentially unlimited resources of specialized equipment and apparatus, trained personnel, and consumable supplies, such as fire fighting foam.
- Life Flight helicopter service is available for urgent or life threatening medical emergencies.
- La Porte Emergency Medical Service can provide mobile intensive care during ground transport of casualties to any of several nearby hospitals.
- Additional traffic control and off-site shelter-in-place or evacuation can be provided by City of La Porte Police and/or the Harris County Sheriff's Department.

All of these potential providers of emergency response services have been included in the facility's contingency planning process.

Once life safety issues have been addressed (including exposure control and confinement), and the incident has been successfully mitigated, clean-up operations commence. If it is found necessary to remove hazardous substances, health hazards, and/or materials contaminated with them (i.e., soil) from the site of the incident, the clean-up will comply with one of the following:

- Work will be performed by area personnel thoroughly trained on area hazards, protective equipment, and work practices, or,
- Work will be performed by a contractor certified as a clean-up operator under 29 CFR 1910.120, paragraphs B through O. A site contract exists with a local Discharge Clean-up Organization [DCO], certified by the Texas General Land Office, for this purpose.

A Transportation Emergency Reporting Procedure (TERP) is also in place to address off-site transportation emergencies involving chemicals in transit to or from this facility. A trained site resource will immediately be dispatched to the scene of the transportation emergency to assess the situation and offer technical guidance to the local authority having jurisdiction. A qualified contractor may be engaged to mitigate the Hazardous Material response as needed.

CHANGES SINCE LAST SUBMITTAL:

Since the submittal of the last Risk Management Plan, there have significant changes in the inventories of RMP regulated substances held on site by DuPont. Sale of the Polymers operation, along with separation of the Fluoroproducts businesses have resulted in elimination of the following previously reported processes:

Process Description: Fluoroproducts. Chemicals: Hydrofluoric Acid, Oleum

Process Description: Vinyls. Chemicals: Acetaldehyde, Ethylene, Vinyl Acetate Monomer

The Risk Management Plan has been revised to reflect these changes with a new worst case toxic and worst case flammable scenario.

U.S. Department of Labor

Occupational Safety and Health Administration
525 Griffin Street, Room 602
Dallas, Texas 75202-5024
(972) 850-4145
(972) 850-4149 fax



July 22, 2015

Mr. Steve Thompson, Branch Chief
Air/Toxics Inspection and Coordination
U.S. EPA Region 6
1445 Ross Ave.
Dallas, TX 75202

Re: *Request for information obtained by OSHA during its investigation of E.I. DuPont de Nemours & Company, Inc. La Porte, Texas*

Dear Mr. Thompson:

This letter is in response to your request for the inspection file including citations and any other documents that support violations related to the Occupational Safety and Health Administration (OSHA) inspection (#1019650) of E.I. DuPont de Nemours & Company, La Porte, Texas, conducted on January 12, 2015. OSHA will provide the inspection case files related to this request once we receive confirmation that your office agrees to the provisions of this letter.

It is the policy of the Department of Labor to cooperate with law enforcement agencies to the fullest extent possible under the law, subject to the general limitation that any such cooperation must be consistent with the Department's statutory obligations and enforcement efforts. It is the Department's view that an exchange of information regarding matters of mutual concern is to our mutual benefit. In such cases, the Department shares information with law enforcement agencies without making a public disclosure.

Accordingly, we grant your request. We do not consider this grant to be a public disclosure under the Freedom of Information Act. Rather, we are making a limited disclosure. The following are examples of matters regarding the grant that the Department may consider to be confidential and not releasable to the public:

- Persons who may be identified in a Department of Labor investigative file;
- Internal opinions and recommendations of federal personnel, including, but not limited to, investigations and area supervisors;
- Information or records covered by the attorney-client privilege and the attorney-work-product privilege; and

- Confidential business information and trade secrets.

We appreciate your commitment to make every effort permitted by law to keep confidential the information provided by OSHA. If a third party requests access to information or documents provided by OSHA, we ask that you contact Jeff Lewis, Assistant Regional Administrator for Enforcement Programs or Madeleine Le, Counsel for Occupational Safety and Health before permitting it. If there is a public proceeding, such as a trial, in which the investigation file would be disclosed, again I ask that you contact us.

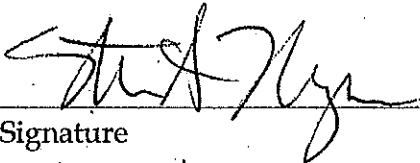
To confirm that you and the U.S. Environmental Protection Agency (EPA) agrees to the provisions referenced in this letter, we ask that you or a representative of the U.S. EPA, sign this letter below and return it to the attention of Howard Cole, facsimile (972) 850-4149 or electronic mail (cole.howard@dol.gov).

Sincerely,

Jeffrey B. Lewis
Assistant Regional Administrator for Enforcement Programs

AGREED:

The U.S. Environmental Protection Agency (EPA) agrees to abide by all provisions referenced in this letter.


Signature

Associate Director
Title

6/3/15
Date



